

SEQRA FINDINGS STATEMENT
YORKTOWN 2010 COMPREHENSIVE PLAN AND
RELATED FUTURE ZONING AMENDMENTS AND LOCAL LAWS
TOWN OF YORKTOWN, NEW YORK

June 15, 2010

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1 Introduction

The purpose of this Findings Statement is to complete the environmental review process for a Comprehensive Plan for the Town of Yorktown, New York, together with the associated future enactment of zoning amendments and local laws (collectively, the "Proposed Action"). Pursuant to the State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law ("SEQRA") and its implementing regulations, 6 N.Y.C.R.R. Part 617, this Findings Statement:

- (1) considers the relevant environmental impacts, facts and conclusions disclosed in the Complete GEIS (as hereinafter defined) prepared in connection with the Proposed Action;
- (2) weighs and balances environmental impacts with social, economic and other considerations;
- (3) provides a rationale for the Town Board's decision with respect to the Proposed Action;
- (4) certifies that all SEQRA requirements have been met; and
- (5) certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Consistent with SEQRA, this Findings Statement: describes the Proposed Action, including the 2010 Comprehensive Plan and associated zoning amendments, and the environmental review process; summarizes the relevant conclusions of the Complete GEIS (as defined below) and the environmental impacts of the Proposed Action and reasonable alternatives identified therein; describes and provides a rationale for the changes made to the 2010 Comprehensive Plan in response to public comments and other factors; weighs and balances the environmental impacts of the Proposed Action with its anticipated benefits and other relevant considerations and provides the explanation for its determination; and provides the certifications mandated by SEQRA.

2 Background

This Findings Statement, prepared in conformance with 6 N.Y.C.R.R. Part 617, brings to a conclusion the environmental review process for the Proposed Action, which includes implementation of the 2010 Comprehensive Plan for the Town of Yorktown, New York ("Yorktown" or the "Town").

At the broadest level, the purpose of the Proposed Action is to protect the public health, safety and general welfare of the Town's citizens. This is the purpose that is enshrined in the New York State Town Law at §272-a, *et seq.* The same statute encourages towns to adopt comprehensive plans, indicating that the adoption of such a plan is in the best interest of the people of each town. It also provides that a comprehensive plan is a means not only to protect the health, safety and welfare of the municipality itself, but also to give consideration to the needs of the people of the broader region. In addition, the comprehensive plan should foster cooperation among municipalities and governmental agencies planning and implementing capital projects.

More specifically to Yorktown, the intent of the Proposed Action is to lay out a vision for development in the future, particularly over approximately the next two decades (denominated as the planning horizon). The Proposed Action thus implicates issues involving, among other things, land use, housing, transportation, parks, community facilities and resources, and the natural environment. The goal of the vision evidenced by the Comprehensive Plan is to give equal weight to the problems and concerns of each part of the Town, and makes detailed recommendations to implement that vision.

Yorktown's Comprehensive Plan process has spanned approximately eight years. The initial Comprehensive Plan was formulated between 2002 and 2005, was the subject of SEQRA review by way of a Generic Environmental Impact Statement ("GEIS") prepared by the Town Board. That initial Comprehensive Plan and the Town Board's 2005 SEQRA Findings were the subject of litigation in 2006, and invalidated by a state court decision issued in 2007 due to procedural infirmities in the SEQRA process leading to the adoption of those documents. In response to the litigation, the Comprehensive Plan evolved and was revised, culminating in the 2010 Comprehensive Plan. The 2010 Comprehensive Plan has been the subject of SEQRA review by way of a Supplemental Generic Environmental Impact Statement ("SGEIS") prepared by the Town Board, which SGEIS corrects the deficiencies cited by the court, and accounts for changes made to the Comprehensive Plan as well as changes in circumstances and new information since the earlier GEIS study. To avoid confusion, the term "Complete GEIS" refers to the GEIS and SGEIS described above. The highlights of the 2010 Comprehensive Plan, as well as a summary of the eight-year process that culminated in the 2010 Comprehensive Plan, are described below.

2.1 OVERVIEW OF THE 2010 COMPREHENSIVE PLAN

The following is a summary of the purposes of each component of the 2010 Comprehensive Plan, taken from the Executive Summary of the 2010 Comprehensive Plan itself:

LAND USE

- Support residential development and preserve open space in a manner consistent with community character. Promote land uses and development patterns that implement the conceptual vision established for each business center.
- Ensure that development patterns are consistent with the Comprehensive Plan's policies that are designed to protect natural, historic and scenic resources.
- Adopt a new zoning map, establish new zoning districts and update existing zoning districts in the Town's zoning code in a manner consistent with the adopted Comprehensive Plan.

TRANSPORTATION

- Yorktown should have a multi-modal transportation system that provides a full range of travel options for residents.
- Transportation should be carefully coordinated with land use.
- Roadways should be well-maintained and safe. Traffic hot spots should be improved.
- Local streets in residential neighborhoods should have low volumes and speeds and minimal truck traffic.
- Business centers should become more pedestrian friendly but should continue to have convenient automobile access and parking.
- Yorktown should have a town-wide network of bike routes.

ECONOMIC DEVELOPMENT AND BUSINESS AREA ENHANCEMENTS

- Yorktown should have a vibrant economy that provides abundant job opportunities and contributes to the tax base.
- There should be a diverse range of businesses to better withstand economic fluctuations, including offices serving information-technology companies.
- Business centers should be improved to function as centers of community life.

HOUSING AND NEIGHBORHOOD QUALITY OF LIFE

- Yorktown should remain primarily a community of lower density single-family homes with enhanced housing diversity, all interspersed with preserved open space.
- Natural resources and quality of life should be protected as new housing is constructed.

SCENIC AND HISTORIC PRESERVATION

- Yorktown's scenic and historic resources give the Town a distinctive character. They should be protected.

NATURAL RESOURCE CONSERVATION

- The Town should expand efforts to preserve open space and natural resources.
- Yorktown's ecological integrity must be maintained and protected, even as new development occurs.

INFRASTRUCTURE

- Utilities should continue to be expanded to meet Yorktown's growing needs.
- The Town should strive to limit potential negative impacts from infrastructure expansions on its natural, scenic or historic resources.

PARKS AND RECREATION

- Yorktown should continue to be a recreation-oriented community with a network of parks, athletic facilities and greenways.
- Parks and recreational facilities should provide Yorktown residents with a diverse range of recreational opportunities, including exercise, team sports and experiencing the natural environment.
- Parks and recreational facilities should contribute to community character and quality of life and should be coordinated with efforts to protect natural resources and scenic landscapes.
- Bicycle and pedestrian paths should be added to connect neighborhoods and parks.

COMMUNITY FACILITIES AND SERVICES

- These services should protect public safety and enhance the Town's quality of life. They should be improved or expanded to meet growing needs and provided in a cost-effective manner.
- Overall, community facilities and services should help build a rich civic life.

2.2 THE INITIAL COMPREHENSIVE PLAN PROCESS, 2002-2005

The eight-year process that culminated with the 2010 Comprehensive Plan began in early 2002, when the Town Board began preparing a new Comprehensive Plan to guide the Town's growth and development for approximately the next two decades.

As the preparer of the Comprehensive Plan and the body that will implement many of its recommendations, the Town Board designated itself the "Lead Agency" for the Plan and related rezonings under SEQRA. Because a Comprehensive Plan is subject to State environmental review requirements as a Type I action (that is, an action which is likely to require an Environmental Impact Statement ("EIS") under state environmental regulations), the Town Board then prepared an Environmental Assessment Form ("EAF") in order to determine whether the initial Comprehensive Plan potentially could result in at least one significant adverse environmental impact. Upon considering the EAF and other factors pursuant to state regulations, the Town Board found that the Plan did have the potential to create at least one such impact. Therefore, as required in such circumstances, it issued a Positive Declaration acknowledging that the initial Comprehensive Plan could cause significant adverse impacts. In the case of a Comprehensive Plan, SEQRA's implementing regulations encourage the development of a GEIS rather than a traditional EIS. Accordingly, the Town Board chose to prepare a GEIS.

The process for developing the Comprehensive Plan incorporated public input in each and every step, starting with the formation of a Task Force to recommend initial concepts. As part of its outreach effort, the Town convened ten Task Force meetings, conducted two Town-wide telephone surveys, and conducted an extensive media campaign to generate public input. In June 2003, the Town Board released the first draft Comprehensive Plan ("draft 2003 Comprehensive Plan") for additional public comment.

Although not required under SEQRA, the Town Board conducted a "scoping" process for the GEIS beginning in July 2003. The Town Board issued a Draft Scoping Document that described the proposed contents of the yet-to-be-prepared GEIS, which listed all the topic areas that were expected to be covered in the GEIS, and that described methodologies that would be used to assess the impacts of the Comprehensive Plan. The Draft Scoping Document also listed the alternatives that would be considered, as well as the requirements set forth in the SEQRA regulations for identifying and mitigating impacts. In August 2003, a public hearing was held on the Draft Scoping Document, which resulted in the submission of numerous comments to the Town Board. Other comments were received by mail, e-mail and fax up until the close of the public comment period for the Draft Scoping Document in September 2003. The Board considered each of the comments and, in January 2004, issued a Final Scoping Document that incorporated many changes recommended in the public comments and also identified specific responses to individual comments. The Final Scoping Document also included six additional alternatives based on public comments received during the scoping process.

The Town Board then prepared a Draft GEIS ("DGEIS") in accordance with the SEQRA regulations and the standards and methodology set forth in the Final Scoping Document. The DGEIS evaluated the environmental impacts of the initial Comprehensive Plan, together with proposed implementing zoning amendments, considered the alternatives to the Comprehensive Plan identified during the scoping process, and incorporated by reference a DGEIS that had been prepared previously to evaluate various zoning scenarios in the Hunterbrook section of Yorktown (the "Hunterbrook Rezoning Area DGEIS") and accepted by the Town Board on November 16, 2004. The DGEIS on the proposed initial Comprehensive Plan was completed in November 2004. In January 2005, a 40-day public comment period began, and a public hearing was conducted on two consecutive evenings, resulting in numerous public comments on the DGEIS.

In response to the comments received on the DGEIS, the Town Board prepared a Final GEIS ("FGEIS") on the initial Comprehensive Plan and associated zoning amendments, which FGEIS was deemed complete in July 2005. The FGEIS included the original DGEIS, responses to substantive comments received on the DGEIS, two appendices with additional information, a copy of the Final Scoping Document, and a redlined version of the initial Comprehensive Plan that showed the changes made to the Plan in response to the comments on the DGEIS. Although not required by SEQRA, the Town Board subsequently accepted comments on the FGEIS for a 47-day period between July 2005 and September 2005, and held public hearings in July and August 2005.

In October 2005, the Town Board concluded its GEIS review process by revising the proposed Comprehensive Plan (as revised, the "2005 Comprehensive Plan") and issuing a Findings Statement ("2005 Findings Statement") on the 2005 Comprehensive Plan and related actions. The 2005 Findings Statement described the 2005 Comprehensive Plan, considered and weighed the impacts identified in the GEIS and the public comments received thereon, and presented a rationale for the Town Board's decision to adopt the 2005 Comprehensive Plan.

On October 18, 2005, the Town Board passed resolutions adopting the 2005 Findings Statement, the 2005 Comprehensive Plan and, among other laws, Local Law Nos. 11, 12, and 13 of 2005, implementing the 2005 Comprehensive Plan. Local Law 11 amended Chapter 300 of the Code of Yorktown with respect to affordable housing. Local Law 12 amended Chapter 300 with respect to zoning district classifications and schedule of uses. Local Law 13 amended Chapter 300 with respect to changing the zoning map designations of land parcels throughout the Town.

2.3 LITIGATION AND INVALIDATION OF 2005 COMPREHENSIVE PLAN, FINDINGS STATEMENT AND LOCAL LAWS, 2006-2007

In 2006, legal action was brought against the Town in three consolidated proceedings challenging the 2005 Comprehensive Plan and the adopted Local Laws 11, 12, and 13. By decision dated April 19, 2007, Justice Zambelli of the New York Supreme Court ruled in petitioners' favor and found that the Town had not complied with all aspects of SEQRA procedure, primarily because certain changes to the 2005 Comprehensive Plan had not explicitly been addressed in the GEIS. The Court annulled the Town resolutions adopting the 2005 Findings Statement, the 2005 Comprehensive Plan, and Local Laws 11, 12, and 13, and remitted the matter to the Town Board for further proceedings consistent with the Court's determination. The decision did not address the "wisdom and merit" of the 2005 Comprehensive Plan itself.¹ The Town Board recognizes that the 2005 Findings Statement is of no force or effect, and does not adopt or ratify the 2005 Findings Statement in this 2010 Findings Statement. However, to more fully explain the history and rationale for the Board's conclusions, these Findings discuss, as appropriate, the 2005 Findings Statement.

¹ Although the Court's decision did not annul Local Law 17, the Town Board, in 2008, annulled the law, as it was invalid and unenforceable due to the litigation. This returned the zoning of the parcel in question back to the original C-2 designation.

2.4 REVISION OF THE COMPREHENSIVE PLAN AND PREPARATION OF THE SUPPLEMENTAL GENERIC EIS

Recognizing the importance of the 2005 Comprehensive Plan for future planning and development, the Town Board elected not to pursue an appeal of Justice Zambelli's decision. Instead, the Town Board revised the Comprehensive Plan (culminating in the "2009 Comprehensive Plan") and prepared a Draft SGEIS ("DSGEIS") for the Proposed Action between approximately 2008 and 2009. The DSGEIS described the 2009 Comprehensive Plan and the changes made to the 2005 Comprehensive Plan and new relevant information or changes in circumstances that occurred since the FGEIS was adopted in October 2005, and cured deficiencies identified by Justice Zambelli's 2006 decision. The DSGEIS also assessed whether the 2009 Comprehensive Plan and associated zoning changes would cause any significant adverse environmental impacts not previously addressed or adequately addressed in the GEIS.

The Town Board accepted the DSGEIS as complete for the purposes of public comment on May 5, 2009. The Town Board then published a notice of completion and notice for a public hearing to be held on the DSGEIS, and copies of the DSGEIS and 2009 Comprehensive Plan and zoning amendments were made available for public review, including placement on the Town web site. Comments were received during the public hearing, which was commenced on June 9, 2009 and continued and closed on July 7, 2009, and the public comment period, which was continued until the close of business on July 21, 2009.

After the DSGEIS was completed, the Town Board revised the 2009 Comprehensive Plan again, resulting in the 2010 Comprehensive Plan. Those revisions were identified and analyzed in the Final Supplemental GEIS ("FSGEIS") prepared for the Town Board. The Town Board accepted the FSGEIS as complete on March 9, 2010. Thus, the FSGEIS describes amended sections of the 2010 Comprehensive Plan and supplements the DSGEIS analysis based upon those amendments to the 2010 Comprehensive Plan and comments received by the public.

The FSGEIS also includes a listing of the substantive comments received on the DGEIS that were not previously or sufficiently addressed, comments on the DSGEIS, comments on the 2010 Comprehensive Plan and Zoning amendments, and any other comments that were received, as well as the responses to all of these comments. The revised Comprehensive Plan and FSGEIS were made available for public review, including placement on the Town web site.

Although not required, but consistent with the Town's efforts to maximize public input into the comprehensive planning and attendant SEQRA process, the Town Board held a public meeting on the proposed 2010 Comprehensive Plan and FSGEIS on April 6, 2010, and accepted comments on these documents. The Town prepared responses to substantive comments for consideration by the Board. In addition (and again not required under SEQRA) the Town Board published a draft Findings Statement (including placement on the Town web site) and held a public forum on the draft Findings on May 18, 2010 and accepted comments on this document until May 25, 2010.

2.5 IMPLEMENTATION OF THE 2010 COMPREHENSIVE PLAN AND ZONING REGULATIONS

Implementation of the 2010 Comprehensive Plan is expected to extend throughout a "horizon period" which will last approximately 20 years. After the 2010 Comprehensive Plan is adopted, the Town Board will implement the land use policy changes recommended in the Plan by amending the Town's zoning law and map consistent with the 2010 Comprehensive Plan, the Complete GEIS and this 2010 Findings Statement. These zoning amendments and changes to the Town's zoning map are not expected to require separate environmental review because their impacts already are evaluated in the Complete GEIS. Other regulations, local laws, capital improvements and policy changes will be implemented subsequently. Future private developments and public capital improvements will generally require their own environmental review in accordance with the criteria for site-specific proposals identified in the Complete GEIS and in Section 4.4 of this SEQRA Findings Statement.

3 Environmental Impacts by Topic Area

Section 3 of these Findings contains a discussion of the reasonable alternatives to the Proposed Action that were considered, the environmental impacts identified in the Complete GEIS pertinent to the Proposed Action approved in these Findings, measures to mitigate identified adverse impacts of the Proposed Action, and the rationale for changes in the 2010 Comprehensive Plan from earlier versions of the Plan that have been identified and analyzed in the various Complete GEIS documents. The Complete GEIS concluded that implementation of the Proposed Action will not cause any significant adverse impacts.

As described above, the 2010 Comprehensive Plan represents the Town Board's vision for the Town over the next approximately 20 years, which vision has evolved over the last eight years. The evolution of the Comprehensive Plan is due in large part to the extraordinary level of public involvement that has taken place throughout this process. Some changes to the Comprehensive Plan were made in 2005 (between the FGEIS and the 2005 Findings), other changes were made in 2008 (between the 2005 Findings and the DSGEIS), and still other changes were made in 2009/2010 (between the DSGEIS and the FSGEIS). Thus, different changes to the evolving Comprehensive Plan have been analyzed in different documents prepared to date, including the FGEIS, the DSGEIS and the FSGEIS.

Section 3.1 below identifies and describes each of the seven alternatives to the Proposed Action that have been analyzed in the Complete GEIS. The impacts of each alternative are summarized and, as relevant, discussed in the context of Future Baseline Conditions (i.e., the conditions in the future absent a new Comprehensive Plan and attendant zoning and land use changes) as well as the Proposed Action. Where appropriate, alternatives are also discussed in individual topic areas.

The individual topic areas below (Sections 3.2 through 3.19) are the same as those utilized in the Complete GEIS: land use and zoning; population and socioeconomic characteristics; housing; water resources; biological and ecological resources; geology and topography; air quality; public health; noise and odor; energy; utility service; scenic, historic and cultural resources; parks, open space and recreational resources; agricultural resources; transportation; economic resources; community facilities; and community character. For each of these topic areas, this 2010 Findings Statement summarizes the Complete GEIS discussion with respect to impacts and benefits of the Proposed Action, and identifies any pertinent and practicable mitigation measures. The major revisions made to the 2010 Comprehensive Plan from earlier versions of the Plan also are addressed, along with the Lead Agency's rationale for the changes. Finally, within each topic area, this Findings Statement provides the rationale in support of the Town Board's decision with respect to the Proposed Action.

3.1 ALTERNATIVES

The DGEIS included an evaluation of seven alternatives to the applicable iterations of the Proposed Action, six of which were carried through to the SGEIS. In accordance with 6 N.Y.C.R.R. 617.9(b)(5)(v), the range of alternatives selected were "feasible, considering the objectives and capabilities of the project sponsor."

As set forth below, the Town Board has incorporated elements of Alternatives B1, B3 and B4, and the entirety of Alternative B2, into the Proposed Action. Because the alternatives are related to specific sections of the Comprehensive Plan, they are not mutually exclusive and it is possible to adopt a mix of the Proposed Action and the alternatives. (To the extent the Proposed Action does not entail changes from the Future Baseline Conditions, elements of Alternative A were incorporated into the Proposed Action.)

These alternatives to the Proposed Action, as well as their relationship with relevant study areas as described in the Complete GEIS, are as follows:

Alternative A, also known as the "No-Action Alternative," assumes that the Proposed Action is not adopted. This alternative is identical to the Future Baseline Conditions, in which the Town's current zoning and other policies (i.e., the zoning and other policies in effect prior to adoption of the Proposed Action) remain in effect for the next approximately 20 years without change. For purposes of SEQRA, an impact is a change from the likely Future Baseline Conditions. Therefore, by definition, Alternative A would generate no impacts; however, under Alternative A, there still would be substantial changes from *current* conditions, given anticipated changes over the next two decades under the current zoning and land use policies.

Alternative B1 originally studied 12 changes to the proposed zoning map that were not included in the Proposed Action. However, since the DGEIS was completed, the Town Board incorporated the following eight of those 12 changes into the Proposed Action:

- Maintain a portion of the existing R1-20 district in the Bear Mountain Parkway Triangle rather than rezoning to office;
- Change the proposed Commercial Hamlet Center (CHC) district on the east side of Hill Boulevard to Country Commercial (CC);
- Maintain the parcel north of Route 6 at the Somers border as industrial rather than office;
- Remove the PDD-MX and PDD-R districts in Mohegan Lake, so only the underlying zoning applies;
- Change the area around the intersection of Mohegan Avenue and Route 6 from the proposed CHC district to the new O office district;
- Remove country inns as a permitted use in Shrub Oak's PDD-O/CI district;
- Retain several parcels off of Lexington Avenue and Route 6 as R1-20, rather than senior housing and CHC; and
- Rezone a few very small parcels off Lexington Avenue just north of Route 6 as CHC rather than senior housing.

Therefore, of the 12 original zoning changes studied in Alternative B1, only the following four changes remained distinct to Alternative B1 through the Complete GEIS:

- Replace the R-3 District in the vicinity of Garden Lane and Old Crompond Road with the R1-20 District;

- Remove retail as a permitted use in the Planned Design District² (PDD)-MX district in the Bear Mountain Parkway Triangle;
- Replace the R-3 District on both sides of East Main Street between Lee Road and Hill Boulevard with the R1-40 District; and
- Rezone several R1-40 parcels in the French Hill area to R1-80 rather than R1-200 as proposed in the initial Comprehensive Plan.

The DGEIS reflects that, as compared to Future Baseline Conditions, Alternative B1 would result in fewer housing units, less commercial and industrial space, and less buildout of vacant and underutilized commercial parcels outside PDDs and CHC districts. The DGEIS also reflects that Alternative B1 would result in more office space (though much of this space would probably not be constructed within the 20-year horizon period) and potentially more commercial space within PDDs and CHC districts, than under Future Baseline Conditions. Such developments would consist largely of small retail sales and service operations, mixed with offices and residences, and would not be in the form of big-box development or strip shopping centers. Alternative B1 would result in fewer residential peak hour AM and PM trips than under the Future Baseline Conditions, but would result in more peak hour retail and office trips.

As compared with the Proposed Action, Alternative B1 would result in a higher proportion of single family houses, and in less housing diversity. Thus, Alternative B1 would not assist the Town as much as the Proposed Action in fulfilling the workforce (affordable) housing goals set for it by Westchester County. Alternative B1, and particularly the four changes that were not adopted as part of the Proposed Action, also would result in somewhat less residential and commercial build-out than the Proposed Action. However, as compared to those four Alternative B1 changes, the Proposed Action has several beneficial impacts, including: more opportunities for affordable workforce housing and diverse housing (by not replacing the R-3 District near Garden Lane and Old Crompond Road with the R1-20 District); enabling village-style development in the Bear Mountain Parkway Triangle consistent with the vision laid out in the 2010 Comprehensive Plan (by not removing retail from the PDD-MX district there); affording flexibility for the future planning of a site that has diverse planning possibilities (by not replacing the R-3 District on both sides of East Main Street between Lee Road and Hill Boulevard with the R1-40 District); and reducing development in order to protect wetlands, open space and other environmentally-sensitive areas of the Town that are contiguous with and share several characteristics of the Hunterbrook area (by not rezoning several French Hill R1-40 parcels to R1-80 rather than R1-200). The Town Board has decided that the benefits of the Proposed Action outweigh the benefits offered by the four Alternative B1 changes that were not made a part of the Proposed Action.

Thus, while Alternative B1 has both beneficial and detrimental aspects when compared to the Proposed Action, the Town Board's decision to incorporate eight of Alternative B1's 12 changes into the Proposed Action had the effect of reducing the meaningful differences between Alternative B1 and the Proposed Action. Moreover, when the four remaining unique elements of

² A PDD is an overlay district, which is imposed on an underlying zoning district. PDDs would require new development within the applicable district to conform to a pre-existing plan outlining the preferred uses and site planning for that specific district.

Alternative B1 are compared with the myriad changes included in the Proposed Action, Alternative B1 is not materially different than the Proposed Action.

Alternative B2 was studied in the DGEIS, but not included in the SGEIS as an alternative to the Proposed Action. Alternative B2 studied the impacts of not implementing the Density Reduction Program ("DRP"), a transfer-of-development-rights program. When the Town Board eliminated the DRP from the Proposed Action, there was no need to continue to study Alternative B2.

Alternative B3 differed from the Proposed Action in that none of the PDDs included in the Proposed Action would be implemented. (This alternative was partially adopted, in that the PDD-R and PDD-MX in Mohegan Lake, the PDD-OB in Jefferson Valley, and the PDD-MX at the western portion of Crompond, were each eliminated from the Proposed Action. However, the Proposed Action retains the PDD overlays in the Bear Mountain Triangle, Jefferson Valley and Shrub Oak.)

The Complete GEIS concluded that, as compared to Future Baseline Conditions, Alternative B3 would result in fewer housing units and less housing diversity, as a higher proportion of the housing would be single family. Alternative B3 also would result in less commercial and industrial demand, and less commercial space on vacant and underutilized sites outside CHC districts, but result in more office space as well as more commercial space within CHC districts, as it would encourage traditional "main street" or "village center" style developments there. As compared to Future Baseline Conditions, Alternative B3 also would result in fewer residential peak hour trips, but more retail and office peak hour trips.

By eliminating PDDs, which are designed to require master-planned layout and preservation of park and open space areas, Alternative B3 could reduce the potential to preserve natural lands and implement environmentally-sensitive design in those areas. The Complete GEIS concluded that Alternative B3 therefore could negatively (but not significantly) impact water quality as compared with the Proposed Action with respect to the affected areas. However, it is anticipated that such negative impacts could be offset by the environmental protections inherent in the existing planning approval process (which take into account impacts on water quality), as well as other elements of the Proposed Action such as the promotion of "green building" ratings to encourage more efficient design and construction techniques.

As compared with the Proposed Action, Alternative B3 would result in lower-density development with a higher proportion of single-family houses, and less housing diversity. Thus, Alternative B3 would not assist the Town as much as the Proposed Action in fulfilling its workforce (affordable) housing goals. Alternative B3, and particularly the four PDDs that were eliminated from the Proposed Action, also would result in less residential and commercial build-out than the Proposed Action. However, with respect to those four PDDs, the Proposed Action has several beneficial impacts, including: reducing the possibility of the already highly-trafficked Mohegan Lake area from being developed in a manner that would generate more traffic (for the PDD-R and PDD-MX there); protecting the traffic safety and sensitive environmental areas of Jefferson Valley, given the area's inability to safely connect to the existing road system as well as grading issues (for the PDD-OB there); and enable the western portion of Crompond to have the desired mix and types of uses under existing zoning (for the PDD-MX there). In addition, the two PDD-MX districts that were eliminated were somewhat reliant upon the DRP being

implemented as part of the Proposed Action, since the DRP could have fostered the transfer of additional residential density into the residential PDD-MX; however, as noted in the discussion of Alternative B2 above, the DRP was eliminated from the Proposed Action.

Overall, while Alternative B3 has both beneficial and detrimental aspects when compared to the Proposed Action, the Town Board's decision to eliminate four of Alternative B3's PDDs from the Proposed Action had the effect of reducing the meaningful differences between Alternative B3 and the Proposed Action.

Alternative B4 differed from the Proposed Action in that this alternative assumed that none of the initially-proposed road connections in the Comprehensive Plan would be implemented, except for the bypasses of Route 202 (the Bear Mountain Parkway extension) and Route 6 (in the Mohegan Lake area). (This alternative was partially adopted, in that eight initially-proposed road connections were eliminated from the Proposed Action.)

The impacts associated with Alternative B4 are essentially identical to the Future Baseline Conditions, since each contemplates no new road connections other than the Route 202 and Route 6 bypasses, which were recommended independent of the Proposed Action in the New York State Department of Transportation's study entitled, *Routes 202/35/6 Bear Mountain Parkway Sustainable Development Study: Linking Land Use and Transportation Decisions* (March 2004) (the "2004 Sustainable Development Study").

The Complete GEIS concluded that Alternative B4's elimination of certain road connections could have a positive impact on water quality when compared to the Proposed Action, particularly to the extent such connections would have required stream or wetland crossings or were located near stream corridors. With respect to traffic, the major change between the Proposed Action and Alternative B4 is that under Alternative B4, all of the positive and negative impacts of the proposed road connections would be removed. In some cases, negative impacts would be eliminated; for example, in certain situations, the proposed road connections may have caused impacts to natural, scenic or historic resources, or may have contributed to additional noise. Those impacts would not occur under this alternative. But at the same time, the beneficial impacts from reduced congestion would not be realized under Alternative B4 as compared to the Proposed Action.

Overall, while Alternative B4 has both beneficial and detrimental aspects when compared to the Proposed Action, the Town Board's decision to eliminate eight initially-proposed road connections from the Proposed Action had the effect of reducing the meaningful differences between Alternative B4 and the Proposed Action.

Alternative B5 differed from the Proposed Action in that the minimum lot size requirement in the R1-20 district would be changed from 20,000 to 40,000 square feet (in other words, a rezoning from R1-20 to R1-40 for vacant or undeveloped parcels over one acre in size). (This alternative was not adopted, as described below.)

The Complete GEIS concluded that under Alternative B5, fewer housing units would be constructed than under the Future Baseline Conditions, while demand for commercial space would be reduced. When compared to the Proposed Action, fewer housing units would be built,

but the maximum potential buildout of commercial, office and industrial parcels would be the same.

Although the Town Board initially proposed to implement Alternative B5 in the 2005 and 2009 versions of the Comprehensive Plan, for the 2010 Comprehensive Plan the Town Board eliminated Alternative B5. As explained in more detail in both the FSGEIS and below in Section 3.2, the Town Board dropped Alternative B5 principally because it affected mostly smaller lots in already-established and built-out neighborhoods over the entirety of the Town, and thus the environmental effects of not implementing these upzonings would be incremental and non-significant on a Town-wide basis. Further, the Westchester County Department of Health regulations require that new developments that cannot be connected to a treatment plant be on a lot at least one acre (R1-40) in size; this requirement eliminates the need to up zone to R1-40 and assures that any new septic system will function effectively.

Alternative B6 differed from the Proposed Action in that most of the Hunterbrook area (approximately 2,440 acres roughly between Jacob Road and the New Croton Reservoir west of the Taconic State Parkway) would be rezoned into the R1-200 district rather than the zoning proposed in the Comprehensive Plan. (This alternative was not adopted.)

The Complete GEIS concluded that as compared to Future Baseline Conditions, Alternative B6 would result in construction of fewer housing units and less demand for commercial space. Alternative B6 also could have a slightly positive impact on water quality as compared to Future Baseline Conditions, in that Alternative B6 calls for somewhat greater upzoning in the Hunterbrook area, and may have resulted in less impervious surface.

As compared with the Proposed Action, Alternative B6 would result in approximately the same maximum potential buildout of commercial, office and industrial parcels. In addition, Alternative B6 could have a slightly positive impact on water quality as compared to the Proposed Action given the alternative's more stringent Hunterbrook upzoning and its likely creation of less impervious surface.

Overall, while Alternative B6's proposal to upzone the entire Hunterbrook area to R1-200 has certain beneficial aspects when compared to the Proposed Action, the Town Board decided to upzone the area in a slightly less stringent manner: namely, with the exception of several parcels, the lowest-density rezoning classification in the area will now generally be R1-160. The Town Board finds that its selected rezoning both better accounts for existing conditions, and accomplishes the desired reduction in density and enhanced environmental protection that are important goals of the 2010 Comprehensive Plan. The Town Board's moderate reduction in upzoning has the effect of reducing the meaningful differences between Alternative B6 and the Proposed Action.

3.2 LAND USE AND ZONING

Future Baseline Conditions

With respect to land use and zoning, the Future Baseline Conditions (that is, Alternative A, or the "No-Action Alternative") would result in development of approximately 3,678 residential units over the twenty-year horizon period. The total demand for commercial space generated by

the additional population in these residential units would be 616,000 square feet, which is greater than the available amount of vacant and underutilized commercially zoned land. Therefore, the Future Baseline Conditions anticipate that these sites will be fully developed over twenty years. Exclusive of a proposed 200,000 square foot expansion of the Jefferson Valley Mall, the total amount of commercial space that could be constructed on vacant and underutilized sites under Future Baseline Conditions would be approximately 359,000 square feet. It is expected that limited amounts of office and industrial space would be actually constructed, though the potential exists for the construction of 631,000 square feet of industrial space and 494,000 square feet of office space.

Comparison of Proposed Action to Future Baseline Conditions

The Town Board finds that the Proposed Action will not result in any significant adverse land use or zoning impacts.

Under the proposed 2010 Comprehensive Plan and accompanying zoning, 538 fewer housing units will be constructed within the 20-year horizon period than under the Future Baseline Conditions. The amount of commercial space that could potentially be constructed within PDD and Commercial Hamlet Center (CHC) districts would be increased, while commercial development outside of these areas would be lessened, as compared to Future Baseline Conditions during the 20-year horizon period; overall, the reduction in projected demand for commercial space would be 61,000 square feet compared with the Future Baseline Conditions.

The Proposed Action would encourage new commercial development in traditional "main street" or "village center"-style developments within proposed PDDs and CHC districts within the currently-developed business areas over the 20-year horizon period. All new commercial developments in these PDD and CHC areas would be constructed in the style of a traditional small-town downtown, oriented toward pedestrians, with public open space integrated into the projects. Such developments would consist largely of small retail sales and service operations, mixed with offices and residences, and would not be in the form of large-scale developments or strip shopping centers. The future zoning amendments used to implement the Proposed Action will require that the upgrades be well-designed at a human scale, with adequate infrastructure, in order to ensure the continued viability of the business areas and improve the experience of visiting these areas.

The Proposed Action also will create the potential for additional residential units above ground floor commercial space in all CHC Districts, which would not occur under Future Baseline Conditions. This change will generate diverse and affordable workforce housing and stimulate economic activity, while at the same time foster compact hamlet centers that will encourage the use of mass transit.

In addition, the Proposed Action allows for the construction of some additional office space, which would be designed to encourage small second-story professional offices in CHC districts as well as office-park style development in several areas currently zoned residential. Potential industrial buildout would be reduced from Future Baseline Conditions.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

General Changes Applicable Town-Wide

Elimination of the Density Reduction Program

The Proposed Action incorporates Alternative B2 and eliminates the Density Reduction Program due to concerns raised by the public and acknowledged by the Town Board relating to the program's complexity and potential ineffectiveness. Because of these concerns, this alternative is not reasonable or feasible.

Provision of Residential Units above Commercial Developments in Hamlet Centers

The Proposed Action allows residential uses above commercial development in all C-2 districts in hamlet centers, which represents a change from the 2005 Comprehensive Plan's allowance of such residential uses only in the Yorktown Heights hamlet center. Yorktown's commercial zoning has historically allowed two-story developments but has generally been limited to the second floor of commercial space. The Town Board finds that allowing residential apartments above commercial space in all of the hamlet centers will not increase impacts over the Future Baseline Conditions but may in fact reduce them, since second-floor commercial floor space would generate more traffic and parking demand than would residential apartments. The Town Board further finds that this change will not impact the basic character of the hamlet centers of Crompond, Jefferson Valley, Shrub Oak, Mohegan Lake, and Yorktown Heights.

In fact, the Board finds that there may be beneficial results to community character by this change, in that a development designed with a residential component may have architectural qualities that support the overall vision of the 2010 Comprehensive Plan for much of the hamlet centers — which is to foster a "main street village"-like quality, which purely commercial developments typically do not exhibit. In addition, a mix of residential and commercial uses in the hamlet centers will help to create a more vibrant, active character in those areas. In general, this change to the Proposed Action will have only nominal, if any, effect on other impact areas. For example, the demand for community services from residential use in the hamlet centers is generally comparable to that from commercial use and there is ample capacity to accommodate the limited number of additional students that would be associated with these new residential units. In contrast, as discussed in Section 3.4, the allowance of these types of units will increase the diversity of housing types in the Town, and increase the number of units affordable to working families.

The Proposed Action maintains the recommendation to split the C-2 zone into two zones (the C-2 zone and the proposed new C-2R zone) as proposed in the initial Comprehensive Plan. The only difference between the C-2 and C-2R zones will be the permitted uses; the C-2R would allow accessory apartments above stores and offices, while the C-2 zone would not. When implementing zoning changes in connection with the 2010 Comprehensive Plan, the Town Board would be able to apply the new C-2R zone to any existing C-2 zone if appropriate for the future development of such area into a more pedestrian-oriented, village-style town center. The Town Board finds that creation and potential application of the C-2R zone will not have any significant adverse environmental impacts compared with the Future Baseline Conditions.

Elimination of Alternative B5 Rezoning of Vacant or Undeveloped Parcels Over 1 Acre from R1-20 to R1-40

Alternative B5 – which would have operated to upzone to R1-40 vacant or undeveloped parcels of at least one acre (40,000 square feet) that were zoned R1-20 – was initially studied as an alternative in the DGEIS, and adopted as part of the invalidated 2005 Comprehensive Plan. In revising the 2010 Comprehensive Plan, the Town Board eliminated Alternative B5 from the Proposed Action. This change means that the Proposed Action's reduction in density as compared to the Future Baseline Conditions will be less than reported in the DSGEIS. Without Alternative B5 the Proposed Action's reduction in density as compared to Future Baseline Conditions would be 538 units. The Town Board finds that because Alternative B5 primarily affected smaller lots in already-established and built-out neighborhoods over the entirety of the Town, the impacts of this change to natural resources, traffic, community services, community character and quality of life would be incremental and, overall, not significant. Water quality impacts would not be affected, as the regulations of the Westchester County Department of Health require that any new development that cannot be connected to a treatment plant (or a package sewage treatment plant or community facility) be on a lot at least one acre (R1-40) in size; this County requirement assures that any new septic system will function effectively.

The Town Board further finds that despite eliminating Alternative B5 from the Proposed Action, the overall benefit to the Town in terms of a reduction in these impacts associated with development will still be achieved, because the non-Alternative B5 rezonings are of large, contiguous, vacant and underdeveloped lands. Development in these areas, unlike the areas that would have been affected by Alternative B5, would produce a marked change from existing conditions. Therefore, the benefit from a reduction of density in these areas will produce much greater benefit than the benefit that would have been obtained from Alternative B5 in terms of reducing overall negative impacts from development as it regards natural resources, traffic, community character and quality of life. For each of these reasons, the Town Board finds that elimination of Alternative B5 from the Proposed Action will not have a significant adverse environmental impact.

Upzoning Will Not Encourage Estate-Like Development

Several comments on the DGEIS and SDGEIS suggested that the upzonings recommended as part of the Proposed Action would not necessarily reduce the impacts to the environment, as there could be "estate-like" houses that disturb and/or cover more of larger lots with impervious surfaces such as multiple buildings, parking courts and accessory uses (e.g., tennis courts and pools) than if the lots were smaller and less likely to include such accessory uses. While the development of larger lots for estate purposes may be an issue in some communities, the Town Board finds that it is not a significant issue in Yorktown for lots that would be upzoned. Furthermore, as concluded in Section 2.4.5.4 of the FSGEIS, the Proposed Action's recommended upzoning will reduce the number of dwelling units in Yorktown, which in turn will reduce the coverage and disturbance of the lots and impacts to natural features.

More specifically, the FSGEIS concluded that in existing Yorktown developments, the percentage of impervious coverage per acre is substantially higher in smaller lots. Thus, the Town Board finds that the upzonings recommended in the Proposed Action will reduce, not increase, the amount of impervious surface in developed lots. This reduction in the extent of impervious surface anticipated from the Proposed Action means a reduction in stormwater runoff. Furthermore, the larger lots are more likely to have larger areas of pervious surface in

which runoff can recharge the groundwater or be filtered before it enters a wetland or surface water. Because stormwater runoff contains phosphorous, a reduction in runoff will reduce the amount of phosphorous (as well as other pollutants in runoff) that could enter the Croton Reservoir. This would be consistent with the designation of the Reservoir as phosphorous-limited. Finally, accessory uses that entail excavation, such as a pool or tennis court, require an excavation permit from the Town Engineering Department or the Town Board, and thus trigger independent SEQRA review; accordingly, the Town Board finds that the environmental impacts of such a proposed accessory use would be considered and, if warranted, the application could be denied or mitigative conditions imposed.

In summary, the upzonings recommended in the Proposed Action address a variety of purposes, including the conservation of natural resources and open space, and are not expected to generate estate-like developments. In any event, larger-lot developments in the Town have a lower percentage coverage of impervious surface per acre than smaller lots. Thus, Town Board finds that the upzonings will achieve the Town's goals of conserving natural resources and open space, and reducing the extent of impervious surface and impacts to surface and groundwater quality, and will not have a significant adverse environmental impact.

Flexibility to Consider Senior/Active Adult Housing

The 2010 Comprehensive Plan recognizes that the supply of senior housing, including less expensive senior housing, is limited in the Town. Accordingly, 2010 Comprehensive Plan Goals 2-F and 5-D state the Town's desire to promote housing (including affordable workforce housing) for people in all stages of life, including seniors. Vision Statement 5.1 of the 2010 Comprehensive Plan also sets forth the Town's desire to remain a diverse community with diverse housing options. While the Complete GEIS acknowledges, and the Town Board finds, that the development of new senior residential housing is appropriate in hamlet centers, residentially-zoned areas outside of the hamlet centers may be suitable for development of senior or other group housing development.

Generally speaking, such development could be expected to cause only marginally-adverse impacts to community facilities due to increased demand for services (but not for schools). Senior housing also typically causes only nominal impacts to traffic because residents tend not to drive during peak hours, to utilities because residents place little additional burden on existing infrastructure, and to land use because the neighborhood already is residentially zoned. In addition, senior housing helps to provide needed diversity in housing type and affordability. While site-specific analysis of the propriety of siting senior housing in every residential district is beyond the scope of the GEIS, the Town Board finds that given the acknowledged need for such housing in the Town, along with any associated affordable units created pursuant to the proposed inclusionary housing law, such projects in most circumstances should not be foreclosed solely because they are proposed for outside of the hamlet areas until a site-specific assessment been made. As with any newly-proposed land use, such a study would be conducted in accordance with the site plan or other planning processes, and subject to SEQRA review, during which review any such proposal's merits and drawbacks can be considered by the Town Board and/or the Yorktown Planning Board. The Town Board finds that this approach to a proposed senior housing project sited outside of a hamlet center will not have any significant adverse environmental impact.

Enhanced Stormwater Management Practices

The Town Board added Policy 7-22 to the 2010 Comprehensive Plan, which incorporates the New York State Department of Environmental Conservation Better Site Design practices and principles for stormwater management to the extent such practices and principles are more stringent than existing Town practices. The Town Board finds that this change will not cause any adverse environmental impacts, and in fact may help to prevent further water quality degradation or even enhance the Town's water quality over the next approximately 20 years.

YHWPCF Upgrade and Advocacy for Additional Flow

The Town Board added Policy 8-9 to the 2010 Comprehensive Plan, which acknowledges the recent upgrading of the Yorktown Heights Water Pollution Control Facility ("YHWPCF"), and recommends that the Town advocate for a variance to the New York City Watershed Rules and Regulations to allow the Town to take advantage of increased flow and treatment capacity. In April 2010, subsequent to issuance of the FSGEIS, the New York City Department of Environmental Protection adopted new watershed regulations (approved by the New York State Departments of Health and Environmental Conservation) that may allow additional hookups to this Facility, subject to the Town (a) applying for a variance from the Department of Environmental Protection to modify the Town's existing SPDES permit to increase the allowed capacity, and (b) obtaining such a modification to the SPDES permit from the Department of Environmental Conservation. Therefore, the Town Board has modified Policy 8-9 of the Plan to reflect the new regulations and to recommend that the Town pursue these actions. It is difficult to predict the extent to which the Town will be successful in these applications and the extent to which, if successful, capacity would be increased (as the agencies could impose limiting conditions on the Town's allowance of hookups to the facility from properties within the District). In addition, it is difficult to ascertain the timing of these efforts and the ultimate issuance of the necessary approvals and the implementation of any conditions to allowing additional hookups. However, these efforts would be consistent with the intent of earlier versions of the Comprehensive Plan and with the Proposed Action. Accordingly, the Town Board finds that this element of the Proposed Action will not cause any adverse environmental impacts, and in fact may help reduce the need for new developments to use septic systems, which potentially could impact water quality.

Crompond Area

The draft 2003 Comprehensive Plan proposed that the Bear Mountain Parkway Triangle ("BMP Triangle") be zoned OB with a PDD overlay. Later, the Plan's rezoning proposal for the BMP Triangle was revised to change the underlying zoning to three different districts: to Interchange from C-3 for the old motel site on the eastern end of the triangle; to R1-40 from R1-20 in the central part of the Triangle; and to RSP-2 and C-2 from C-3. The Town Board made these changes in the 2005 Comprehensive Plan in response to the DGEIS as well as comments made at the public hearing on the DGEIS that the kind of large-scale office complex envisioned by the OB zoning would not be appropriate in that location because lots are comparably small and are often adjacent to residences.

The rezoning of the BMP Triangle has evolved again, such that the Proposed Action eliminates the redesignation of the old motel site to the Interchange zone and instead leaves the current zoning of C-3 on that site and on several abutting properties; however, the Proposed Action

retains the PDD overlay for the BMP Triangle site, which will support hotel use there. Moreover, because the Town Board has decided to eliminate Alternative B5 (as discussed above in Section 3.2), the Triangle center's R1-20 zoning will no longer be rezoned to R1-40 under the Proposed Action. In the western end of the Triangle, the zoning will go from RSP-2 and C-2, to R-3 and C-2. The R-3 and C-2 zones were selected because they will provide opportunities for new affordable workforce housing, and there will be no significant adverse impacts from this change because the traffic differential between unrestricted multifamily and senior multifamily is insignificant, and because the area will remain in a zone that provides for a commercial tax base.

In addition, the Proposed Action would retain existing C-3 Commercial zoning on certain property south of Old Crompond Road. Despite these changes, the 2010 Comprehensive Plan's vision of the BMP Triangle area is similar to the visions of earlier Plan iterations. To support a hotel/country inn in the BMP Triangle (which the Interchange zone allows as a permitted main use), the Proposed Action will instead include this use in a BMP Triangle PDD overlay zone. The Town Board finds that leaving the existing C-3 zoning in this area leaves more flexibility for a retail draw in the BMP Triangle, and thus better supports Policy 4-23 of the 2010 Comprehensive Plan.

To account for the potential that a hotel/country inn is displaced by other development types in the BMP Triangle, the Proposed Action has been modified to allow for such use in another area – namely, the properties at the southwest corner of Route 6 and the Taconic State Parkway in the Shrub Oak area. This change is to be accomplished with a PDD overlay (on the Town Zoning Map), which overlay originally was studied as the proposed action in the DGEIS but later was removed in favor of the Office zone designation and associated allowable uses. Because Office uses generate higher traffic volumes and have greater parking demand than a hotel use, the impacts of a hotel in this area are within the envelope of impacts that have been analyzed in the GEIS.

South of the BMP Triangle, the draft 2003 Comprehensive Plan had proposed that the area currently zoned Interchange be rezoned to OB and that the neighboring property immediately to the west, currently zoned C-3, also be rezoned to OB. The Proposed Action instead retains the existing zoning in this area while carving out two small parcels from the existing Interchange zone to be rezoned as C-3. The reasoning behind these minor changes is the same as that for the zoning within the BMP Triangle set forth above. The Town Board finds that as a result of these minor changes, the area's zoning will reflect more closely the existing uses which currently exist in this area; therefore, the Proposed Action does not differ significantly from the Future Baseline Conditions.

At the western end of the Crompond corridor, the draft 2003 Comprehensive Plan had proposed a PDD-MX PDD. The Proposed Action does not include this district. The impact of not implementing the PDD-MX district and the other PDDs was evaluated in Alternative B2 of the Complete GEIS; see Section 3.1, above. The Town Board finds that the effect of not including the PDDs will be similar to the Future Baseline Conditions. Moreover, some of the benefits of the PDDs will now be delivered by conventional zoning due to the proposed policy that new development that might affect infrastructure service capacity (e.g., roadway traffic volume, sewer and water service) should undertake appropriate mitigation measures and/or infrastructure improvements that might reasonably be required.

The Proposed Action will rezone large, residentially-zoned properties to the north of Route 202 to R1-160 rather than R1-200, as recommended in the 2005 Comprehensive Plan. The Town Board finds that this change still provides for significant protection from the negative impacts of new development, while allowing for a reasonable amount of development and considering the major environmental constraints in the area. It is also consistent with the goals of the 2004 Sustainable Development Study. The properties are currently zoned R1-40, so the Proposed Action will provide for reduced density, and therefore reduced impacts compared with the Future Baseline Conditions.

One residentially-zoned property to the north of Route 202 that would be rezoned under the Proposed Action to R1-160 is approximately 100 acres in size and contains significant frontage on Route 202. However, two of the 2010 Comprehensive Plan's recommended traffic improvements, specifically, the BMP connection and the widening of Route 202, may render portions of this property unsuitable for single family development given such improvements' undesirable impacts. In addition, the 2004 Sustainable Development Study and the 2010 Comprehensive Plan state that the BMP connection should be set in a corridor northward of the Route 202 corridor, which would further hamper the suitability of portions of the property as single-family residential. The Town Board finds that given these unique circumstances, the use or mix of uses for this property that would best complement or enhance the character and uses within the area may need to be revisited in the future. While site-specific analysis of any alternative zoning for this property was beyond the scope of the Complete GEIS, any such proposed future use at this property would need to be consistent with the 2004 Sustainable Development Study, and would be subject to normal site plan or other planning processes and SEQRA review.

The Proposed Action retains the existing C-3 Commercial zoning of a property on the south side of Old Crompond Road between Stony Street and Route 202 (2485 Old Crompond Road), rather than rezoning to C-2 zoning as proposed in the 2005 Comprehensive Plan. Given the Complete GEIS study and the comments made with respect to the current mix of land uses in the immediate area, the Town Board finds that the existing zoning is more appropriate and better reflects the existing built character of this area.

The Proposed Action retains the existing one-acre, single-family residential zoning of a property on the north side of Winding Court, rather than rezoning to four-acre, single-family residential as proposed in the 2005 Comprehensive Plan. Given the Complete GEIS study and the comments made with respect to the rezoning in this area, the Town Board finds that the existing zoning is more appropriate and better reflects the existing built community character of this area.

The Town Board concludes that above elements of and changes to the Proposed Action for the Crompond area do not introduce impacts beyond those already studied in the Complete GEIS. The Town Board further concludes that the above elements of and changes to the Crompond area will not result in significant adverse environmental impacts.

Jefferson Valley

The initial Comprehensive Plan had proposed that the properties on both sides of Hill Boulevard north of Route 6 be rezoned to Commercial Hamlet Center (C-2). The Proposed Action instead

rezones some of these properties to CC/Country Commercial, which has more restrictive bulk and use requirements; this change is a slight variation on the zoning option presented in Alternative B1 in the GEIS. The Town Board finds that this rezoning will be comparable to implementing one of the mitigation measures identified in the GEIS, viz. the reduction of the potential intensity of commercial development compared with Future Baseline Conditions.

The Proposed Action extends the new CC zoning along East Main Street to incorporate some additional properties near the intersection of East Main Street with Mahopac Street; these properties were to be rezoned to Office in the initial Comprehensive Plan. The Town Board finds that the proposed zoning is a more realistic alternative for these properties in that it allows for a wider range of uses, fits more logically with the surrounding commercial zoning on either side, and minimizes potential negative impacts (e.g., increase in traffic) of the previously proposed office zoning. Therefore, the proposed zoning is consistent with the community character of the area.

Included within the Proposed Action is the recommendation for a 200,000 square foot expansion of the Jefferson Valley Mall, which would make the mall more competitive, and generate additional revenues for the Town.

The Proposed Action retains the existing C-3 zoning of a very small property at the northeast corner of East Main Street and Mahopac Street, rather than rezoning to CC, as called for in the initial Comprehensive Plan. The Town Board finds that the C-3 zoning, which is the same as in the Future Baseline Conditions, is the most appropriate designation for this site and consistent with the existing community character of the area.

The Proposed Action retains the existing Industrial zoning of a property on the eastern boundary of Yorktown on the north side of Route 6, rather than rezoning to Office as suggested in the draft 2003 Comprehensive Plan. Given the GEIS study and the comments made with respect to the rezoning of large parcels to office, the Town Board finds that this is a more appropriate zoning alternative and better reflects the existing built community character of this area.

The 2005 Comprehensive Plan proposed to upzone the vacant site between Lee Boulevard and Hill Boulevard in the Jefferson Valley Hamlet as part of the Alternative B5 upzoning. However, with the elimination (as described above) of Alternative B5 from the Proposed Action, the area will retain its current R1-20 zoning status. In light of this change, the Town Board clarified in the 2010 Comprehensive Plan the propriety of assessing, as part of a future planning process, the use or mix of uses that would be best developed on this site, and thus best complement or enhance the eclectic uses now extant in the area. This approach would subject any future change of use in the area to a separate planning and SEQRA process, and would not cause any significant adverse environmental impacts.

The Proposed Action retains the existing zoning designation of a property at the northwest corner of Hill Boulevard and Lee Boulevard which, under the initial Comprehensive Plan, would have been rezoned to RSP-1 from R-3 Multifamily Residential. The Town Board finds that the retention of existing zoning will keep the property as under the Future Baseline Conditions, which is more consistent with the current, stable uses of this property than the RSP-1 zoning that initially had been proposed.

The Proposed Action does not implement the originally-proposed PDD-OB (Office Business Campus) northeast of the intersection of the Taconic State Parkway and Route 6, but maintains the CR overlay zone around Lake Osceola contained in the initial proposed Comprehensive Plan. This PDD change is being made in light of the Complete GEIS and comments made with respect to impacts of rezoning large parcels to office, and the Town Board finds that the PDD change will result in lessened impacts from office development in light of site constraints such as steep slopes. The change was analyzed in Alternative B3, which studied the impacts of not implementing the PDD zones throughout Town, and concluded that there will be no significant adverse impacts compared with the Future Baseline Conditions.

The Town Board finds that the approximately 1/2-mile corridor between the eastern end of Lake Osceola and the northeast Town line could potentially support commercial recreation uses, given this area's new R1-80 zoning (which allows recreation and park uses), proximity to the CR overlay zone (which allows commercial recreation), and the 2010 Comprehensive Plan's vision for the area as set forth in Policy 4-58 (supporting public and private recreational uses in area, and encouraging extension of those uses eastward through the Mahopac/East Main Street intersection). While site-specific analysis of the propriety of siting new commercial recreational uses in this area is beyond the scope of the Complete GEIS, the Town Board finds that any such project should not be foreclosed solely because it is outside of the existing CR overlay until a site-specific assessment has been made in accordance with the site plan or other planning processes, and subject to SEQRA review.

Residentially-zoned properties in the northeastern-most corner of the Town near the Somers and Carmel Town Lines will be rezoned in the Proposed Action to R1-80 rather than R1-160 as had been proposed in the draft 2003 Comprehensive Plan. The Town Board finds that this change is more consistent with the character of the surrounding area, and still provides for the protection of the steep slopes in the area from inappropriate development.

The Proposed Action retains the existing C-3 Commercial zoning of a property on the north side of East Main Street near between Gomer Court and Route 6 (202 East Main Street), rather than rezoning to Country Commercial zoning as proposed in the 2005 Comprehensive Plan. Given the Complete GEIS study and the comments made with respect to the current mix of land uses in the immediate area, the Town Board finds that the existing zoning is more appropriate and better reflects the existing built character of this area.

The Proposed Action retains the existing C-2 Commercial zoning of a property on the northeast corner of East Main Street and Route 6 (100 East Main Street), rather than rezoning to Office zoning as proposed in the 2005 Comprehensive Plan. Given the Complete GEIS study and the comments made with respect to the current mix of land uses in the immediate area, the Town Board finds that existing zoning is more appropriate and better reflects the existing built character of this area.

The Town Board concludes that above elements of and changes to the Proposed Action for the Jefferson Valley area do not introduce impacts beyond those already studied in the Complete GEIS. The Town Board further concludes that the above elements of and changes to the Jefferson Valley area will not result in significant adverse environmental impacts.

Mohegan Lake

The Proposed Action will rezone the commercial properties on the south side of Route 6 east of Mohegan Avenue to C-3 from the existing C-4 zoning; this is consistent with the 2005 Comprehensive Plan, but the draft 2003 Comprehensive Plan had proposed retaining the existing C-4 zoning. The Town Board finds that the allowed uses in the C-3 district are somewhat more restrictive than those in the C-4 district and, from a planning perspective, the change will result in a reduced intensity of development.

The Proposed Action will rezone most of the commercial properties surrounding the intersection of Route 6, Mohegan Avenue and Lakeland Street to Office, from the existing C-2 zoning. The initial Comprehensive Plan had proposed designating these properties as CHC (C-2). A variation on this proposal involving a larger land area was presented in Alternative B1 in the GEIS. The Town Board finds that diversification of use in the Mohegan Lake business district is consistent with the goals of the proposed Comprehensive Plan, which speaks of the need to encourage professional office development in the hamlet business areas. Because the bulk restrictions and parking regulations are the same in the Office and C-2 zones, and because there are fewer allowable uses under Office than under C-2, development will be at least the same as Future Baseline Conditions, if not actually reduced.

The Proposed Action will extend the C-3 zoning boundary all the way to the rear of several properties on the north side of Route 6 west of its intersection with Lakeland Street, rather than changing the designation of the rear portions of the properties to RSP-1, as recommended in the draft 2003 Comprehensive Plan. The Town Board finds that this change is consistent with the existing zoning of these properties.

The Proposed Action will maintain as all C-2 the parcel situated just to the west of the above-referenced properties, rather than adopt the recommendation of the initial Comprehensive Plan to split the property between the CHC (C-2) zone and a senior citizen development zone. The retention of the existing zoning, which was rezoned to C-2 in 1997, is identical to the Future Baseline Conditions. The Town Board finds the existing zoning is more suitable since all ingress and egress will be from Route 6, and will not negatively impact neighborhood character since appropriate buffering techniques are available and would be expected to be applied during the site plan or other Town review process.

The Proposed Action will rezone from R1-20 to R1-40 the area between Strawberry Road and Route 6, and bordered by Lexington Avenue on the west, which area is comprised of several large vacant or underdeveloped parcels. These parcels are within the area covered by the 2004 Sustainable Development Study, which calls for reduced density. In addition, these parcels lie within the Mohegan Lake hamlet, which is a highly-impacted area with respect to traffic and development, and they each front on either Strawberry Road, Route 6 and/or Lexington Avenue, all of which roads experience high traffic volume. The Town Board finds that the Proposed Action's modest upzoning for these properties will further the goals of the 2004 Sustainable Development Study as well as the 2010 Comprehensive Plan's goals of reducing traffic and density.

The Proposed Action will maintain the residential zoning on a property on the south side of Route 6 near its constriction from 4 lanes to 2 lanes, where the initial Comprehensive Plan had suggested rezoning it to Commercial. The property originally had been developed as a house of worship, which is cited in the Comprehensive Plan as a historic resource that is eligible for listing on the National Register of Historic Places. The Town Board finds that maintaining this property in its current residential zoning, and relying on the transitional zoning and various special permit sections of the Code, will present various opportunities for its reuse and redevelopment. At the same time, maintaining the current zoning will avoid creating adverse traffic impacts that could result with other zoning designations, and afford flexibility in protecting both the historic resource and the adjacent natural wetland resources.

The Proposed Action's zoning configuration for the properties located north of Route 6 along Lexington Avenue differs from the configuration set forth earlier versions of the Comprehensive Plan. Some of these properties now will be designated C-2, while others will be designated R1-40. By comparison, most of these properties had been proposed for senior citizen development in the initial Comprehensive Plan. This proposal is a slight variation on the proposal that was presented in Alternative B1 in the GEIS. The Town Board finds that the Proposed Action's zoning is essentially similar to the existing zoning and is consistent with the community character in the area.

The Proposed Action will retain the existing C-2 zoning of several properties located in the middle of the commercial strip along the south side of Route 6 between Lexington and Mohegan avenues, where the initial Comprehensive Plan had suggested rezoning these properties to C-3. Given the policy in the 2010 Comprehensive Plan to encourage that infrastructure is provided in advance of development to the extent practicable, the Town Board finds that this will not be significantly different than the Future Baseline Conditions.

The Proposed Action will not implement the PDDs that had been proposed in the draft 2003 Comprehensive Plan for Mohegan Lake but excluded from the 2005 Comprehensive Plan. This change was studied in Alternative B3. The Town Board made this change because, in this area, the benefits that PDDs were intended to produce already will be realized through implementation of the Proposed Action. More specifically, as described in the GEIS, the Proposed Action would encourage developers to make adequate, practicable infrastructure improvements prior to development, and ensure that site-specific mitigation measures are implemented.

The Ansonia Lodge property on the southern side of Route 6 and bordering on Mohegan Lake, which is split between R3 and commercial frontage, had been proposed in Alternative B1 to be rezoned all commercial, as an Office zone. The Proposed Action will maintain the existing zoning, which the Town Board finds is consistent with its existing use and consistent with the proposed Comprehensive Plan's goal of maintaining a diverse housing stock.

The Proposed Action retains the existing half-acre, single-family residential zoning of three properties on the north side of Strawberry Road at the intersection of Lexington Avenue and Red Mill Road (1762 Strawberry Road and the two properties to the west of it), rather than rezoning them to one-acre, single-family residential as proposed in the 2005 Comprehensive Plan. Given the Complete GEIS study and the comments made with respect to the rezoning in the this area, the Town Board finds that the existing zoning is more appropriate and better reflects the existing

built community character of this area, especially as it regards the development along Strawberry Road.

The Proposed Action also retains the existing Commercial zoning of two contiguous properties at 1786 Wiley Road, rather than rezoning to quarter-acre, single-family residential zoning as proposed in the 2005 Comprehensive Plan. Given the Complete GEIS study and the comments made with respect to the current mix of land uses in the immediate area, the Town Board finds that the existing zoning is more appropriate and better reflects the existing built character of this area.

The Town Board concludes that above elements of and changes to the Proposed Action for the Mohegan Lake area do not introduce impacts beyond those already studied in the Complete GEIS. The Town Board further concludes that the above elements of and changes to the Mohegan Lake area will not result in significant adverse environmental impacts.

Shrub Oak

The Proposed Action will retain the existing C-4 zoning of a large property across from the intersection of Main Street and Stony Street. By comparison, the initial Comprehensive Plan had recommended rezoning the property to CHC (C-2). The impacts of retaining this zoning were thus evaluated in the GEIS as part of the Future Baseline Conditions. The Town Board finds that the impacts of this change will be no different than Future Baseline Conditions.

The Proposed Action proposes a different zoning configuration than currently exists for numerous commercially zoned properties in the vicinity of Main Street, Buckhorn Street, Route 6, the Taconic State Parkway, and Route 132. The initial Comprehensive Plan had proposed rezoning most of these properties to CL (C-3) and CR (Commercial Recreation) from the previously existing C-2 and C-4. The Proposed Action will generally retain the existing zoning designations in this area, except that two properties along the east side of Route 132 and one property at the southwest corner of Barger Street and Route 6 would be rezoned C-4 from the current C-2, and a property on Main Street currently zoned R1-10 would be rezoned C-2 consistent with the uses of this property. This proposed zoning configuration of these properties is appropriate, given that the commercially zoned properties will essentially retain their existing designations. Overall, the changes are relatively minor, affect only a few properties, and improve the consistency of the zoning map with the land uses in the area.

The Proposed Action will rezone the large parcels immediately adjacent to the Taconic State Parkway to Office rather than Commercial Recreation, as had been proposed in the initial Comprehensive Plan. However, the PDD that had been proposed for this site in the initial Comprehensive Plan will be adopted to allow for potential hotel use. This property is currently zoned as M-1A Industrial. Adjacent properties are currently split between Residential and Commercial zones; these properties will remain with their current zoning. The 2005 Comprehensive Plan evaluated the impacts of designating these properties within a PDD that would have allowed office development. The Town Board finds that the re-zoning and the PDD in the Proposed Action will have fewer visual impacts and is likely to result in less truck traffic than under Future Baseline Conditions.

The Proposed Action retains the existing Commercial zoning of a property on Route 132 between Barger and Buckhorn Streets (3671 Old Yorktown Road), rather than rezoning to half-acre, single-family residential zoning as proposed in the 2005 Comprehensive Plan. Given the Complete GEIS study and the comments made with respect to the current mix of land uses in the immediate area, the Town Board finds that the existing zoning is more appropriate.

The Town Board concludes that the above elements of and changes to the Proposed Action for the Shrub Oak area do not introduce impacts beyond those already studied in the Complete GEIS. The Town Board further concludes that the above elements of and changes to the Shrub Oak area will not result in significant adverse environmental impacts.

Yorktown Heights

The Proposed Action designates as Office several parcels between Route 118 and the North County Trailway to the south of the center of Yorktown Heights. These parcels are currently zoned Industrial. The Town Board finds that: Office use will likely have fewer impacts (e.g. heavy truck traffic, noise, and air pollution) on these parcels than the current Industrial zoning; development on these parcels would be significantly restricted in any event due to environmental constraints; the existing Industrial zoning of these properties already contemplates office development; and the proposed Comprehensive Plan includes as a goal the addition of professional office space in the hamlet business areas.

The Proposed Action will retain the existing designation of the Yorktown Engine Company property as C-4 rather than rezoning the property to CHC (C-2) as proposed in the initial Comprehensive Plan. The Town Board finds that the proposed designation will not cause significant adverse impacts because it is the same as the existing designation; moreover, the property is intended to remain in firehouse use under the Proposed Action.

The Proposed Action will retain as Commercial several properties along Veterans Road west of Maple Hill Street, but leaves the properties east of Maple Hill Street as Office; the initial Comprehensive Plan would have rezoned all of these properties to Office. The Town Board finds that the retention of the existing zoning on Veterans Road west of Maple Hill Street is more consistent with the community character of the area.

The Proposed Action will reconfigure the zoning in the residential area beginning at Front Street and extending east. Some existing small lots which had been proposed in the draft 2003 Comprehensive Plan to be rezoned to R1-10 will remain R1-20, while other, larger lots will be rezoned from R1-20 to R1-40. In addition, a few lots will be rezoned from R1-20 to R-2 in order to reflect conditions in the immediately surrounding area. Some of these changes were map corrections; others are designed to improve the consistency of the zoning map with existing land uses. The Town Board finds that these changes result in a zoning configuration which better reflects and preserves the existing conditions in the area, and better fulfills the proposed Comprehensive Plan's goals of protecting neighborhood quality of life.

Properties near French Hill north of Underhill Avenue will be rezoned to R1-160 under the Proposed Action, rather than to R1-200 as had been proposed in the initial Comprehensive Plan. The Town Board finds that the Proposed Action is still significantly less intense than the existing

R1-40 zoning or the R1-80 proposed in Alternative B1 in the GEIS. The Proposed Action will reduce impacts of development, in consideration of environmental constraints, while allowing a reasonable level of development.

The Town Board concludes that above elements of and changes to the Proposed Action for the Yorktown Heights area do not introduce impacts beyond those already studied in the Complete GEIS. The Town Board further concludes that the above elements of and changes to the Yorktown Heights area will not result in significant adverse environmental impacts.

Hunterbrook

In the Hunterbrook area, the Proposed Action will slightly shift the boundaries of the various Residential zoning classifications. Also, with the exception of several parcels, the lowest-density rezoning classification in the area will now generally be R1-160 rather than R1-200 as proposed in the draft 2003 Comprehensive Plan. Various zoning alternatives for this area have been studied extensively in the GEIS. The Town Board finds that these changes better account for existing conditions. Moreover, the Hunterbrook area will be extensively upzoned under the Proposed Action, thereby reducing adverse impacts compared with the Future Baseline Conditions.

The Church of the Nazarene property will be rezoned from R1-80 to R1-40 under the Proposed Action. The Lead Agency finds that this zoning will allow for needed housing diversity for up to four new single-family affordable houses with accessory apartments. This housing diversity is consistent with the Proposed Action's goal of creating and maintaining affordable and diverse housing stock.

Properties located on the south side of Jacob Road and White Hill Road had been proposed to remain wholly or partly R1-80 in the draft 2003 Comprehensive Plan. For the two properties on the south side of Jacob Road bordered on the east by the Catskill Aqueduct property, the Proposed Action now provides for allowing the first 250 feet south of Jacob Road to remain at its current R1-40, rezone the next approximately 650 feet as R1-40, and upzone the remainder of the property to R1-160. For the two properties on the south of White Hill Road bordered on the west by the Catskill Aqueduct property, the Proposed Action retains the R1-40 zoning on the first 1,100 feet south of White Hill Road and upzones the remainder of the site to R1-160. The SGEIS recognizes the benefits and burdens of upzoning in this area, where the parcels' frontages are relatively flat and well-suited for development, while the remaining portions consist of increasingly steep slopes that culminate in the Hunterbrook. The Town Board has considered the SGEIS, along with the topography of and available infrastructure on these properties. In light of these circumstances specific to these areas, the Town Board finds that the Proposed Action's zoning designations are consistent with smaller-lot, single-family residential development in the vicinity, and account for the relatively flat frontages as well as infrastructure, particularly the ability to connect to the Yorktown Heights WPCP and the provision of public water, available for the areas proposed to remain at R1-40. The rezoning of the neighboring Church of Nazarene property to R1-40, discussed above, also supports the Town Board's decision with respect to the properties on the south side of Jacob Road and White Hill Road. The Town Board also finds that the upzoning of the majority of these properties serves to protect the sensitive environmental features of the area, including the steep slopes and the Hunterbrook.

The Town Board concludes that above elements of and changes to the Proposed Action for the Hunterbrook area do not introduce impacts beyond those already studied in the Complete GEIS. The Town Board further concludes that the above elements of and changes to the Hunterbrook area will not result in significant adverse environmental impacts.

South of the New Croton Reservoir

Under the Proposed Action, a small improved residential property adjacent to the IBM campus will remain in its existing Residential classification rather than be rezoned to Office, as proposed in the draft 2003 Comprehensive Plan but rejected in the 2005 Comprehensive Plan. The Town Board finds that this configuration better reflects existing conditions and will have no impact on the Town's economic development efforts to retain and attract high quality office and research tenants in this area. Thus, the Town Board concludes that the above element of and change to the area will not result in significant adverse environmental impacts.

Potential Mitigation Measures

The Complete GEIS, while not finding any significant adverse impacts on land use and zoning, nevertheless includes the following measures to mitigate against the potential impacts of any additional development permitted by the Proposed Action:

- Reductions in allowed densities and intensities in commercial areas throughout northern Yorktown.
- Reductions in the allowable buildout of office districts in the Jefferson Valley area.
- Deletion of most PDD overlays.
- Development of a system for determining whether adequate infrastructure is in place to handle additional development, ensuring that required new infrastructure be provided for to the extent practicable.

The Complete GEIS also includes the following additional mitigation measures intended to mitigate site-specific land use impacts, which the Town Board finds should be applied to specific sites as appropriate:

- Reductions in impervious coverage.
- Native habitat enhancement and reconstruction.
- Clustering of development away from sensitive scenic, agricultural or environmental resources.
- Imposition of conservation easements on environmentally-sensitive lands.
- Public acquisition of environmentally-sensitive lands.
- Undisturbed buffers adjacent to environmentally-sensitive lands.

- Noise and visual buffering.
- Imposition of easements or other agreements to protect scenic, historic and agricultural resources.
- Wetlands mitigation at ratios equal to or greater than required by law.
- Use of natural and engineered Best Management Practices ("BMPs") to protect water bodies adjacent to projects, to control flooding, and to promote groundwater recharge.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on land use and zoning compared with the Future Baseline Conditions. The identified mitigation measures will be adequate to control any site-specific impacts.

3.3 POPULATION AND SOCIOECONOMIC CHARACTERISTICS

Future Baseline Conditions

With respect to population and socioeconomic characteristics, the Future Baseline Conditions would include construction of new housing to accommodate approximately 10,149 additional people. The Town's elderly population is expected to increase, while the younger population may decline or hold steady. Income levels are projected to continue to rise in the Future Baseline Conditions scenario.

Comparison of Proposed Action to Future Baseline Conditions

The Town Board finds that the Proposed Action will not result in any significant adverse population or socioeconomic impacts.

The Complete GEIS found that under the Proposed Action, the housing that would be constructed over the 20-year horizon period would accommodate approximately 2,324 fewer people than the Future Baseline Conditions. However, there would be a slightly more diverse range of ages and incomes in Town under the Proposed Action when compared with the Future Baseline Conditions, due to the measures that would be adopted as part of the 2010 Comprehensive Plan to promote housing diversity. (See Section 3.4 below.)

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

Based on the analysis set forth in the Complete GEIS, the Town Board finds that the Proposed Action will reduce the Town's potential future population, and thereby result in reduced impacts on a variety of environmental resources, infrastructure and other services townwide.

The Town Board also finds that the Proposed Action may result in a slight increase in the allowed residential density in some areas compared with the original Comprehensive Plan

(though, it must be noted, allowed densities are, overall, still lower than allowed under current zoning), and reduced density in other areas. The Town Board finds that the Density Reduction Program that was part of the proposed draft 2003 Comprehensive Plan, but not part of the 2005 Comprehensive Plan, which DRP would have reduced buildout, nevertheless should be eliminated based on the DRP's complexity and uncertain effectiveness. The Town Board finds that with these changes brought on by the Proposed Action, the Town's total future population will still be less than Future Baseline Conditions, and therefore will have a positive impact on environmental resources, infrastructure and other services townwide.

The Proposed Action includes a recommendation to implement a new inclusionary law to require that affordable housing be provided as a component of new residential developments. The Town Board finds that the future adoption of this inclusionary law will assist the Town in meeting the affordable-housing goals set for it by Westchester County, and in providing for greater socioeconomic and housing diversity. (See Section 3.4 below.)

The Complete GEIS identified no significant adverse impacts with regard to population and socioeconomic conditions; therefore, no mitigation measures addressing population and socioeconomic conditions are included in the Proposed Action.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on population and socioeconomic conditions compared with the Future Baseline Conditions.

3.4 HOUSING

Future Baseline Conditions

The Future Baseline Conditions call for development of approximately 3,678 residential units over the twenty-year horizon period. As reflected in the Complete GEIS with respect to housing stock and affordability, almost all of those 3,678 new housing units would be single-family homes. Furthermore, most of those units would be relatively expensive, and middle- and lower-income housing options would be increasingly scarce.

Comparison of Proposed Action to Future Baseline Conditions

The Town Board finds that the Proposed Action will not result in any significant adverse housing impacts.

Under the Proposed Action, a significant majority of new housing in the Town will be single family, although some will be multi-family. The Proposed Action includes several elements that will increase affordable workforce and senior housing, and thus assist the Town in fulfilling its own affordable housing goals and those set for it by Westchester County. The affordability and diversity of the Town's housing stock will be expanded by the Proposed Action's recommended adoption of the inclusionary housing law, loosening of restrictions on accessory apartments, expansion of hamlet centers wherein residential units will be allowed over commercial buildings, and elimination of Alternative B5.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

Several elements of the Proposed Action that are described in Section 3.2 above will impact housing in the Town, as well as the Town's ability to provide for diverse and affordable workforce housing units, over the next approximately twenty years.

The Proposed Action Will Encourage Affordable and Diverse Housing

The Town Board finds that the inclusionary housing law recommended by the Proposed Action will result in between 10 and 15 percent of total units in new single-family subdivisions and in new multifamily developments of over 10 units, to be set aside as affordable workforce units. As explained in the SDGEIS, the exact set-aside will be determined on a sliding scale, depending on the type and size of the development, but it is expected that, on average, roughly 10 percent of new housing units under the Proposed Action would be set aside as affordable workforce units.

As described in the Complete GEIS, there are two additional aspects of the Proposed Action anticipated to increase the number of affordable workforce housing units in the Town: allowing residential units to be built above commercial units in the hamlet centers, and the elimination of Alternative B5. Each element is discussed below.

As described in Section 3.2 above, the Town Board has modified the 2010 Comprehensive Plan to allow development of residential units above commercial developments in all of the hamlet centers, which represents a change from the 2005 Comprehensive Plan's allowance of such residential uses only in the Yorktown Heights hamlet center. Yorktown's commercial zoning has generally historically allowed two-story developments but has been limited to commercial space.

As supported in the FSGEIS, the Town Board finds the allowance of residential uses above commercial development in hamlet C-2 districts will increase the number of affordable workforce units created, as well as generally provide for smaller, less expensive housing and therefore greater housing diversity. In addition, the FSGEIS notes that the hamlet C-2 districts are particularly suited for such development due to the presence of infrastructure and services, their transit-accessible locations, and the ability to accommodate additional appropriate growth.

As also discussed in Section 3.2 above, Alternative B5, which would have operated to upzone to R1-40 vacant parcels of at least one acre that were zoned R1-20, was initially studied as an alternative in the DGEIS, and adopted as part of the invalidated 2005 Comprehensive Plan. In revising the 2010 Comprehensive Plan, the Town Board eliminated Alternative B5 from the Proposed Action, which will allow more development than under the 2005 Comprehensive Plan, but still reduce development by more than 500 units over approximately 20 years when compared with Future Baseline Conditions.

The Town Board finds that, consistent with the FSGEIS, the elimination of Alternative B5 will increase the number of affordable units created, as well as provide for smaller, less expensive housing and therefore greater diversity in housing prices (even if not necessarily always meeting the technical definition of affordable workforce housing) for newly-constructed units.

As stated in the Complete GEIS, then, the Town Board finds that the Proposed Action will result in the construction of approximately 357 new affordable workforce units. Thus, with the Proposed Action, together with the existing 80 affordable workforce housing units in the Town presently, the Town is expected to satisfy the affordable housing goal set forth in the Westchester County Affordable Housing Allocation Plan. (However, as discussed in the FS GEIS, while the anticipated 357 affordable workforce units would exceed the County goal, it is unlikely that the Town will meet that County goal by the end of 2015, given the 20-year time horizon employed for the Proposed Action.)

The Town Board finds that allowing residential apartments above commercial space in all of the hamlet centers will not increase impacts over the Future Baseline Conditions but may in fact reduce them, since second-floor commercial floor space would generate more traffic and parking demand than would residential apartments. The Town Board further finds that this change will not negatively impact the basic character of the hamlet centers, and may in fact improve them by resulting in the "main street village"-like quality supported by the overall vision for hamlet centers included in the 2010 Comprehensive Plan. Accordingly, after balancing the impacts and other ramifications of allowing the development of residential-above-commercial units in the Town's hamlet centers and eliminating Alternative B5 from the Proposed Action, the Town Board finds that such changes to the Proposed Action will not cause any significant adverse impacts and will further the Town's ability to provide diverse and affordable workforce housing over the next approximately two decades.

Flexibility to Consider Senior/Active Adult Housing

As described in Section 3.2 above, one of the Proposed Action's visions is to encourage senior housing, including affordable senior housing, throughout the Town. While the development of new residential housing typically is appropriate in hamlet centers, the Town Board finds that residentially-zoned areas outside of the hamlet centers may be suitable for development of senior or other group-housing development. While site-specific analysis of the propriety of such siting is beyond the scope of the GEIS, the Town Board finds that in most circumstances such projects should not be foreclosed solely because they are proposed for outside of the hamlet areas until a site-specific assessment has been made in accordance with the site plan or other planning processes, and subject to SEQRA review. The Board finds that this approach would not have any significant adverse environmental impacts.

The Complete GEIS identified no significant adverse impacts that would be caused by the Proposed Action with regard to housing; therefore, no mitigation measures with respect to housing are included in the Proposed Action.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will have a positive impact on housing compared with the Future Baseline Conditions.

3.5 WATER RESOURCES

Future Baseline Conditions

Yorktown's water is perhaps its most precious resource, and one that is highly impacted by land use patterns. From the lakes in Northern Yorktown, which serve as a recreational resource, to the Croton reservoir, which helps provide drinking water for a large region, to the groundwater on which residents with wells rely, the Town's water resources are a diverse and crucial part of the community. As described in the Complete GEIS, the Future Baseline Conditions would result in increasing threats to the Town's water resources.

More specifically, the Complete GEIS concluded that surface water quality and quantity is expected to be negatively impacted in the Future Baseline Conditions, both due to the effects of ongoing climate change, and because current zoning and other regulations will continue to allow the alteration of natural drainage patterns and contribute to non-point source water pollution; these changes are expected to negatively impact the Town's drinking water supply and wildlife habitat. In addition, water quality in the New Croton and Peekskill Hollowbrook watersheds is projected to continue to deteriorate as inappropriate development continues and current policies and regulations are insufficient to protect watershed quality. Groundwater quality is also expected to continue to deteriorate.

Comparison of Proposed Action to Future Baseline Conditions

The Town Board finds that the Proposed Action will not result in any significant adverse impacts to water resources, and in fact, will likely improve the Town's water resources when compared to Future Baseline Conditions.

The Complete GEIS found that implementation of new plans and regulations as part of the Proposed Action will reduce development in the New Croton and Peekskill Hollowbrook watersheds, reduce impervious surfaces, reduce development on steep slopes, reduce runoff, improve septic maintenance, and better control the use of fertilizers, pesticides and herbicides in environmentally-sensitive and Town-owned properties. The 2010 Comprehensive Plan also recommends enhancing environmental enforcement, establishing volunteer programs to monitor conservation areas, and improving public information and informational resources relating to the environment. Each of these measures is expected to help stem the decline of water quality in the watersheds. Thus, when compared with Future Baseline Conditions, the Proposed Action will likely improve water quality. In the same manner, groundwater will also be better protected under the Proposed Action. While certain road connections proposed in the Proposed Action could have localized negative impacts on water quality in some areas as compared to Future Baseline Conditions, such impacts will be addressed (see Section 4.4 below) and mitigated to the extent practicable during any future action to implement the Proposed Action.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Complete GEIS concluded that the Proposed Action will likely have a positive impact on water resources. The following elements of the Proposed Action could enhance the beneficial impacts to water quality when compared to Future Baseline Conditions:

- proposing regulations and/or provisions designed to reduce development in the New Croton and Peekskill Hollowbrook watersheds, and to reduce the creation of impervious surfaces, runoff, steep-slope development and the use of fertilizers and other pollutants in sensitive areas and Town-owned properties;
- recommending the enhancement of environmental enforcement, the establishment of programs to monitor conservation areas, and the improvement of informational resources relating to the environment, which preserve land set aside for conservation and better informing the public about the importance of protecting water quality;
- proposing upzoning (see FSGEIS Section 2.4.5.1) to help to assure that capacity at the YHWPCF would not be a concern over the long-term planning horizon of the 2010 Comprehensive Plan;
- proposing to limit development on steep slopes, concentrate commercial development in the hamlet centers, and reduce allowable density in watershed areas such the Hunterbrook area, which will support the Westchester County Croton Watershed Plan (December 2007)'s efforts to protect the Croton Watershed and achieve the total maximum daily load targets set forth in that plan;
- recommending the implementation of Conservation Overlay Zones (“COZs”) in critical areas of the Town and other measures that would augment the protection of wetlands, which in turn would serve to protect water quality; and
- removing the recommendation to build several road connections that were advocated in earlier iterations of the Comprehensive Plan, since those road connections could have posed negative impacts to water quality.

The Proposed Action also would remove the recommendation for applying wider wetland buffers to specific locations, but continues to recommend that wider wetland buffers in general be required after further study of possible candidate areas is conducted. As described below, to the extent the Proposed Action poses any negative impacts, they are likely to be site-specific impacts beyond the scope of the Complete GEIS. Accordingly, on balance, the Town Board finds that the above elements of and changes to the Proposed Action will not result in significant adverse impacts on water resources as compared with the Future Baseline Conditions, and as discussed above, are likely to result in a positive impact.

Any negative impacts on water resources resulting from adoption of the Proposed Action, though not significant, are likely to be site-specific, particularly in the limited circumstances where new development in areas of low-density zoning could increase existing impervious surface coverage.

Therefore, the Town Board finds that the following mitigation measures included in the Complete GEIS should be applied to specific sites where development of such sites could impact water resources:

- Reductions in impervious coverage.
- Clustering of development away from sensitive environmental resources.
- Imposition of conservation easements on environmentally-sensitive lands.
- Public acquisition of environmentally-sensitive lands.
- Wetlands mitigation at ratios equal to or greater than required by law.
- Use of natural and engineered BMPs to protect water bodies adjacent to projects, to control flooding and to promote groundwater recharge.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action is likely to have a positive impact on water resources compared with the Future Baseline Conditions. The identified mitigation measures will be adequate to control any potential site-specific impacts caused by adoption of the Proposed Action.

3.6 BIOLOGICAL AND ECOLOGICAL RESOURCES

Future Baseline Conditions

Modern land-use patterns impose a high level of control over the landscape, and most wildlife are unable to adapt. The populations of those few species able to thrive in a suburban environment, such as white-tailed deer and Canada geese, have reached nuisance levels because of the lack of balance in the ecosystem. As described in the Complete GEIS, the Future Baseline Conditions call for biological and ecological resources to continue to diminish as critical habitats are developed without sufficient controls, and biodiversity within the Town is reduced in the face of development pressures.

Comparison of Proposed Action to Future Baseline Conditions

As discussed in the Complete GEIS, the Proposed Action will not result in any significant adverse impacts to biological and ecological resources. In fact, the Proposed Action includes provisions that help to maintain Yorktown's biodiversity, including the recommended implementation of new COZs and the proposed purchase by the Town of important habitat areas.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Complete GEIS concluded that the Proposed Action will have a positive impact on biological and ecological resources. The Town Board finds that, among other components of the Proposed Action, the following will benefit biological and ecological resources on a town-wide basis:

- The 2010 Comprehensive Plan's recommendation that in the future, COZs be implemented in critical areas of the Town. The Town Board finds that these Zones will require development in these critical areas to protect specific environmental attributes such as wetlands and other important wildlife habitat.
- The 2010 Comprehensive Plan's recommendation that the Town or other agencies or nonprofit organizations acquire certain important habitat areas.
- The 2010 Comprehensive Plan's recommendations to strengthen the Town's wetland-protection and tree-cutting regulations, to implement new studies so that vernal pools may be mapped and protected in the future, and to encourage use of native plant species when landscaping.
- The 2010 Comprehensive Plan's recommendation of a policy supporting appropriate forest management techniques to ensure that the quality of forested land is protected and maintained.
- The 2010 Comprehensive Plan's recommendation of a program to monitor conservation easements and protect open space, which will ensure that land set aside for conservation remains undisturbed.
- As discussed in Section 2.4.5.3 of the FSGEIS, the upzonings proposed in the Proposed Action will help to protect natural features and sensitive ecological areas throughout the Town, including wetlands, water bodies, floodplains, streams and steep slopes. For example, the Proposed Action's upzonings within the Hunterbrook watershed (which includes portions of the Hunterbrook area and the Route 202 area) as well as the northern portion of Shrub Oak, will reduce the density of development upgradient of wetlands and the Hunter Brook, thus providing additional protection to these areas.

Any negative impacts on biological and ecological resources, though not significant, are likely to be site-specific. Therefore, the following mitigation measures included in the Complete GEIS should be applied to specific sites where development of those sites could potentially impact these resources:

- Provision of undisturbed buffers adjacent to environmentally sensitive lands.
- Clustering of development away from sensitive scenic, agricultural or environmental resources.
- Wetlands mitigation at ratios equal to or greater than required by law.
- Construction of wildlife crossings where roadways or other infrastructure split habitat or biodiversity corridors.
- Use of natural and engineered BMPs to protect water bodies adjacent to projects, to control flooding, and to promote groundwater recharge.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will have a positive impact on biological and ecological resources compared with the Future Baseline Conditions. The identified mitigation measures will be adequate to control any potential adverse site-specific impacts.

3.7 GEOLOGY AND TOPOGRAPHY

Future Baseline Conditions

As described in the Complete GEIS, the Future Baseline Conditions call for geologic and topographic resources to continue to erode as steep slopes are developed inappropriately in the face of development pressures. As the remaining available vacant land in the Town is used up, developers increasingly will turn to areas of steep slopes to construct new housing. Without appropriate protections, such development is likely to bring increased erosion and stormwater runoff, harming ecosystems and exacerbating floods. Even if buildings are not constructed on steep slopes, the grading and landscaping associated with the slopes will do harm if not properly controlled.

Comparison of Proposed Action to Future Baseline Conditions

As discussed in the Complete GEIS, the Proposed Action will not result in any significant adverse impacts to geology or topography. In fact, the Proposed Action includes provisions that help to maintain Yorktown's existing geology and topography, including the recommended implementation of new regulations to protect steep slopes from inappropriate development, and to create new COZs.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Complete GEIS concluded that the Proposed Action will have a positive impact on geologic and topographic resources. The Town Board finds that, among other components of the Proposed Action, the following will benefit geologic and topographic resources on a town-wide basis:

- The 2010 Comprehensive Plan's recommendation that in the future, COZs be implemented in critical areas of the Town. The Town Board finds that these COZs will require development in these critical areas to protect specific environmental attributes such as steep slopes, while allowing appropriate levels of development. Special measures that would be required in COZs could include the planting of appropriate vegetation on steep slopes adjacent to development areas to guard against erosion, and protection of the slopes during construction activities.
- The 2010 Comprehensive Plan's recommendation that a new steep slope ordinance be adopted, to impose increasing levels of regulation as the steepness of the applicable slope increases.

- The 2010 Comprehensive Plan's recommendation that the Town or other agencies or nonprofit organizations purchase certain important open space, including areas with steep slopes.

The Complete GEIS identified no significant adverse impacts with regard to geology and topography; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on geology or topography, and in fact will have a positive impact, compared with the Future Baseline Conditions.

3.8 AIR QUALITY

Future Baseline Conditions

As described in the Complete GEIS, the Future Baseline Conditions call for air quality generally to improve in the short term as New York's State Implementation Plan, promulgated under the federal Clean Air Act, is implemented. Beyond that, the implications for air quality are less clear. Because neither Yorktown nor Westchester are anticipated to allow development of new major air-pollution emitters, future regional air quality is somewhat dependant on increases in vehicular traffic; if traffic continues to grow, regional air quality could worsen again in the absence of further technological improvements to vehicles.

Comparison of Proposed Action to Future Baseline Conditions

As discussed in the Complete GEIS, the Proposed Action will not result in any significant adverse impacts to air quality. The Proposed Action does not envision the addition or elimination of any significant emission sources other than the continued incremental growth of vehicle miles travelled. It is expected that the growth of vehicle miles travelled under the Proposed Action will be lessened when compared with Future Baseline Conditions, as the Proposed Action will focus land uses in commercial hamlets and limit development. However, these elements of the Proposed Action are not anticipated to be substantial enough to result in a measurable impact on regional air quality.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Complete GEIS concluded that the Proposed Action will not have a significant adverse impact on air quality. The Town Board finds that, among other components of the Proposed Action, the following might benefit, but will not adversely impact, air quality:

- The 2010 Comprehensive Plan's land use goals of reducing residential development in the Town as compared to the Future Baseline Conditions, could reduce the amount of vehicle trips starting or ending in the Town. However, since much of the traffic in Yorktown neither starts nor ends in Yorktown (and instead consists of travelers passing through the Town on

their way to and from points outside of the Town), any such reduction is not expected to rise to the level where air quality could be impacted.

- The 2010 Comprehensive Plan's land use goals of promoting infill development in existing village hamlet centers may reduce dependence on automobiles and reduce vehicle miles travelled as compared to Future Baseline Conditions.
- The 2010 Comprehensive Plan's seven recommended road connections (see Table 3-2 of the 2010 Comprehensive Plan) may help to alleviate some air quality problems created by current and future traffic congestion. Traffic would flow more freely if the road connections were constructed, reducing air pollution generated by idling cars and trucks. However, some of any such improvement may be of brief duration, as additional travel induced by the improvements to the roadway network could ultimately result in renewed congestion.

The Complete GEIS identified no significant adverse impacts with regard to air quality; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will have not have a significant adverse impact on air quality compared with the Future Baseline Conditions.

3.9 PUBLIC HEALTH

Future Baseline Conditions

As described in the Complete GEIS, the Future Baseline Conditions call for the condition of public health to remain essentially the same, although threats to water and air quality could emerge as public health issues in the future.

Comparison of Proposed Action to Future Baseline Conditions

As discussed in the Complete GEIS, the Proposed Action will not result in any significant adverse impacts to public health, and may in fact result in some positive impacts.

Some of the Proposed Action's proposals regarding land use and parks and recreation could result in some Town residents living healthier lifestyles. Any improvements to water quality and/or air quality may also benefit public health when compared to the Future Baseline Conditions.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Complete GEIS concluded that the Proposed Action will not have a significant adverse impact on public health. The Town Board finds that, among other components of the Proposed Action, the following might benefit, but will not adversely impact, public health as compared to Future Baseline Conditions:

- As discussed in Section 3.2 above, the 2010 Comprehensive Plan's land use goal of focusing development in hamlet centers is designed to encourage such areas to be more "village-style" and pedestrian-friendly, and less reliant on vehicular trips. Also included in the 2010 Comprehensive Plan are recommendations to create pocket parks, and town-wide greenway and bicycling networks. Such land use development is intended to encourage walking and bicycling, and may provide residents with more opportunities to get physical activity in their day-to-day lives.
- As discussed in Section 3.5 above, elements of the 2010 Comprehensive Plan could reduce declines in, or enhance the beneficial impacts to, water quality when compared to Future Baseline Conditions. Any such benefit to water quality would have a corresponding benefit to public health.
- As discussed in Section 3.8 above, the 2010 Comprehensive Plan's land use goals of reducing residential development in the Town could have a positive impact on future air quality as compared with Future Baseline Conditions. Any such benefit to air quality would have a corresponding benefit to public health.
- As discussed in Section 3.16 below, the 2010 Comprehensive Plan includes traffic-calming recommendations which should help to reduce accidents.

The Complete GEIS identified no significant adverse impacts with regard to public health; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on public health, and may in fact have positive impacts, when compared with the Future Baseline Conditions.

3.10 NOISE AND ODOR

Future Baseline Conditions

The Complete GEIS notes that neither noise nor odor are significant problems in Yorktown currently, and are not expected to be so in the future. Vehicular traffic is the main source of noise in Town, and noise generally is expected to increase commensurate with growth in population and traffic. The increase in noise will be most notable in the areas of Town in which new development occurs, as well as along those roadways which see the greatest increases in traffic. Apart from this general increase in background noise, no major new sources of noise different from those that currently exist in Town are expected to become established in the future. The Complete GEIS also found that over the 20-year horizon period, noise could be increased in some localized areas with concentrated business activity, and reduced in other areas, due to proposed shifts in development patterns.

Comparison of Proposed Action to Future Baseline Conditions

As discussed in the Complete GEIS, the Proposed Action will not result in any significant adverse impacts to noise or odor, and may in fact result in some positive impacts on noise.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Complete GEIS concluded that the Proposed Action will not result in any significant adverse impacts to noise or odor. While certain of the following elements of the Proposed Action could reduce or enhance the impacts to noise when compared to Future Baseline Conditions, the Town Board finds that, on balance, the Proposed Action will not cause any significant adverse impacts to noise or odor, and in fact is still expected to achieve some improvements in noise impacts:

- The Proposed Action recommends construction of new roadway connections in several parts of Town; the ones most likely to generate noticeable additional noise are in Yorktown Heights and Mohegan Lake, as well as the extensions of Strang Boulevard in Shrub Oak. The Complete GEIS concluded that any such impacts will not rise to the level of significant adverse impacts; moreover, it is likely that any such impacts could be mitigated, at least partially, by using buffers and berms where the new connections pass by existing residences.
- The Proposed Action recommends road improvements that could reduce traffic congestion, which would improve noise conditions by reducing the impacts of idling traffic. However, congestion relief could also lead to increased noise resulting from the wind resistance of traffic travelling at higher speeds, or to increases in traffic given the improved flow of the roads.
- As discussed in Section 3.2 above, the 2010 Comprehensive Plan's land use goals of reducing residential development in the Town through upzoning, could lead to reduced noise in residential areas. By reducing the number of homes that could be built on currently undeveloped or underdeveloped properties, the Proposed Action would result in reduced noise on these properties. Regulations proposed in the Proposed Action that would better protect natural and wooded landscapes, also would have the effect of reducing noise over Future Baseline Conditions.
- A recommendation to update the Town's noise ordinance is not included in the 2010 Comprehensive Plan as it was in the initial Comprehensive Plan. The recommendation was omitted because the noise ordinance was extensively revised following the issuance of the initial Comprehensive Plan, thereby implementing the recommendation.

The Complete GEIS identified no significant adverse impacts with regard to noise and odor; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on noise and odor compared with the Future Baseline Conditions, and could in fact improve noise impacts in some areas.

3.11 ENERGY

Future Baseline Conditions

The Complete GEIS states that energy use within the Town can be expected to continue to rise over the next 20 years with the growth in population and employment centers. In general, per capita energy consumption is expected to rise slightly, assuming that current trends towards larger homes and vehicles continue. When energy becomes more expensive, people tend to implement conservation measures to reduce per capita energy usage.

Comparison of Proposed Action to Future Baseline Conditions

The Complete GEIS found that while certain elements of the Proposed Action could lead to increases in energy consumption, other elements could decrease such consumption. The 2010 Comprehensive Plan recommends actions to reduce per capita energy consumption, including the use of green building standards whereby energy conservation in building construction will be encouraged to a greater degree than under the Future Baseline Conditions. Overall, the Complete GEIS concluded that the Proposed Action will not cause a significant adverse impact to the Town's energy resources, and that energy consumption will be the same or reduced over the horizon period compared with the Future Baseline Conditions.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

While certain of the following elements of the Proposed Action could reduce or enhance the impacts to energy when compared to Future Baseline Conditions, the Town Board finds that, on balance, the Proposed Action will not cause any significant adverse impacts to energy resources, and in fact could have neutral-to-beneficial impacts overall:

- As discussed in Section 3.2 above, the 2010 Comprehensive Plan's land use goals of reducing residential development in the Town through upzoning, could lead to reduced overall energy consumption in the Town when compared to Future Baseline Conditions. However, given the 2010 Comprehensive Plan's various recommendations relating to energy efficiency and green buildings, the Town's energy use per capita is expected to achieve net reductions.
- As discussed in Section 3.2 above, the 2010 Comprehensive Plan's land use goal of focusing development in hamlet centers is designed to encourage such areas to be more "village-style" and pedestrian-friendly. The 2010 Comprehensive Plan also includes recommendations to enhance public transportation (see Section 3.16 below), as well as to create town-wide greenway and bicycling networks. By allowing residents to be less reliant on automobile trips and more reliant on walking, bicycling or using mass transit, each of these measures could reduce the Town's energy consumption when compared to Future Baseline Conditions.
- The 2010 Comprehensive Plan recommends seven new road connections (see Table 3-2 of the 2010 Comprehensive Plan) and other improvements that could reduce traffic congestion. While such measures can relieve congestion and have other benefits, they also potentially could induce additional vehicle trips, which could result in increased energy usage.

- The 2010 Comprehensive Plan's recommendation that energy efficiency be promoted and that a "green building" ratings system be adopted to encourage energy-efficient design and construction techniques for new development.

The Complete GEIS identified no significant adverse impacts with regard to energy resources; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on energy, and may in fact have neutral-to-positive benefits, compared with the Future Baseline Conditions.

3.12 UTILITY SERVICE

Future Baseline Conditions

The Complete GEIS states that the increasing Westchester County population will, toward the end of the 20-year horizon, put pressure on the ability of the Northern Westchester Joint Water Works to meet anticipated demand for water.

Yorktown is served by two centralized sewage treatment facilities, the Yorktown Heights Water Pollution Control Facility ("YHWPCF") serving the Hallocks Mill district, and the Peekskill Wastewater Treatment Plant ("Peekskill WWTP") serving northern and western Yorktown. Areas in the Town not served by either facility rely on septic systems. The Complete GEIS describes the challenges posed to future development in Yorktown by the limited capacity of the sewage treatment facilities, particularly the YHWPCF, including past prohibitions against new connections to this facility imposed by both the New York State Department of Environmental Conservation and the New York City Department of Environmental Protection. The purpose of these prohibitions was to prevent overtaxing the YHWPCF.

As noted in Section 2.4.5.1 of the FSGEIS, in 2008 the Town completed an expansion and upgrades to the YHWPCF. In April 2010, the New York City Department of Environmental Protection, with the approval of the New York State Departments of Environmental Protection and Health, amended its watershed regulations to permit the YHWPCF to seek a variance to obtain a new SPDES permit that would allow additional connections to the treatment plant to accommodate both existing homes in the Hallocks Mill Sewer District currently on septic systems as well as a limited number of newly constructed houses. As of May 2010, the Town is in the process of applying for the variance.

As of 2010, the Peekskill WWTP that serves the northern portion of Town has unused capacity. However, because it is a regional facility servicing other municipalities, the Town does not control future connections to the plant. Furthermore, the potential of diversions to this facility from areas of the Town outside of the district was eliminated when the expansion to the YHWPCF was completed. Accordingly, connections to this facility from portions of the Town outside of its district are not reasonably foreseeable.

Assuming that the YHWPCF will be allowed by the State to accept connections to its newly expanded capacity, the principal connections are most likely to be for existing homes rather than new developments, as most of the area within the Hallocks Mill Sewer District is developed. Although the Proposed Action (with the elimination of Alternative B5) does not include major upzonings in this area, even these limited upzonings would help to assure that capacity at the YHWPCF would not be a concern over the long-term planning horizon of the 2010 Comprehensive Plan.

Most of the Town is outside of the Hallocks Mill or Peekskill WWTP Districts. Accordingly, the only plausible option for wastewater for new developments is utilization of septic systems. The upzonings in the Proposed Action will help to assure that undeveloped areas in these sections of the Town will be able to accommodate septic systems that function properly.

Comparison of Proposed Action to Future Baseline Conditions

Based on the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on utility infrastructure compared with the Future Baseline Conditions, and could in fact improve infrastructure impacts in some areas. The upzoning proposed in the Proposed Action will reduce the residential build-out of the Town over the next 20 years, and thereby reduce demand for water and sewage infrastructure. The 2010 Comprehensive Plan's recommendations to promote environmentally-friendly building techniques and to limit stormwater runoff, would help to ensure that adequate water supply sources are available in the future. Similarly, the 2010 Comprehensive Plan's recommendations to expand sewer connections inside sewer district boundaries, and to prioritize areas for connections, would help avoid unwanted growth and development spurred by uncritically extending sewers.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Town Board finds that overall, the Proposed Action will result in less strain on utility infrastructure and will better ensure that adequate infrastructure is provided to accommodate any future development to the extent practicable, compared with the Future Baseline Conditions.

The Town Board finds that it is prudent and appropriate to reduce demand for use of the YHWPCF over the long-term planning horizon, to help ensure the health and safety of Town residents. Because diversion to the Peekskill WWTP is no longer an option, most of the properties the Proposed Action proposes for upzoning are in areas in which connections to wastewater treatment plants are unavailable and will remain so for the foreseeable future. Thus, the only plausible option for wastewater for most new development in Yorktown is utilization of septic systems. However, septic systems often present substantial environmental problems, which is why sewer service is generally preferable when it is an option.

It is historic problems with inadequate septic treatment that generated the stringent regulations that are in effect today. Thus, pursuant to Westchester County Department of Health policies, a minimum lot area of 40,000 square feet (R1-40) is required to permit a new septic system in Yorktown. The Town Board finds that, as noted in Section 8.3 and Policy 8-11 of the 2010

Comprehensive Plan, sewers should be provided to developed areas where soils cannot handle septic systems before being provided to undeveloped areas. The Proposed Action's recommended upzonings will help to assure that undeveloped areas will be able to accommodate septic systems that function properly. In contrast, the areas that would have been subject to the now-eliminated Alternative B5 upzoning cannot be developed, at all, absent compliance with the one-acre rule or a connection to the Hallocks Mill facility if the Town succeeds in increasing the permitted capacity at that plant through the new Watershed regulations' variance process.

The GEIS identified no significant adverse impacts with regard to utility service; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on utility service, and may in fact have a beneficial impact, compared with the Future Baseline Conditions.

3.13 SCENIC, HISTORIC AND CULTURAL RESOURCES

Future Baseline Conditions

As described in the Complete GEIS, the Future Baseline Conditions call for the condition of scenic, historic and cultural resources in the Town to generally decline in the Future Baseline Conditions. With respect to scenic resources, this decline would be caused by the anticipated development of most of the remaining unprotected, undeveloped land under current zoning. Historic resources are expected to be lost as numerous key historic sites in Town are threatened due to partial demolition, inappropriate reuse, and/or encroaching development. Yorktown's farms also face the threat of conversion to residential development. As for cultural resources, while the Yorktown Community and Cultural Center will continue to serve as a center for community life in the future, its ability to provide quality services would be threatened by population growth and space pressure, among other anticipated future trends.

Comparison of Proposed Action to Future Baseline Conditions

As discussed in the Complete GEIS, the Proposed Action will not result in any significant adverse impacts to the Town's scenic, historic or cultural resources, and may in fact result in positive impacts.

The Proposed Action includes numerous recommendations designed to protect scenic resources from encroachment and destruction, including proposals to: create a scenic roads inventory; create landscaping standards for "green corridors;" create an expanded Farm Preservation Overlay to include additional agricultural land; purchase scenic conservation easements to protect scenic views; acquire key parkland and open space parcels in the Hunterbrook and Turkey Mountain areas; establish criteria for acquiring additional parcels aimed at scenic preservation; establish a trail system to key lookout points; and creation of a tree and forestry management plan. Such proposals will have a positive impact on existing scenic resources in Town by providing a level of identification and protection of these resources that would not exist in the Future Baseline Conditions.

The Proposed Action also includes numerous recommendations designed to ensure the protection of historic resources in Yorktown, including proposals to: have Yorktown become a Certified Local Government to make the Town eligible for state historic-preservation funding; establish a demolition delay bylaw; purchase conservation easements for certain historic sites; and complete a historic structures inventory. Such proposals will have a positive impact on existing historic resources in Town by improving documentation of those resources, enacting additional administrative steps that would have to be followed before altering or destroying those resources, and protecting resources directly through the purchase of conservation easements, none of which would exist in the Future Baseline Conditions.

Finally, the Proposed Action includes several measures to help secure the YCCC's future, including a proposal to create a larger YCCC campus capable of accommodating more groups, activities and programs than the current facility. These measures would have a significantly positive impact on Yorktown's cultural resources.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Town Board finds that, consistent with the Complete GEIS' analysis, the Proposed Action would enhance the protection of scenic and historic resources within the Town, including through the implementation of new regulations and the purchase of new conservation easements and other land acquisitions. The Town Board further finds that the Proposed Action will expand the Town's cultural resources to keep up with the needs of a growing population, while at the same time helping to reduce the amount of future growth that is expected when compared to Future Baseline Conditions. While some road connections identified in the Proposed Action could have localized negative impacts on some scenic resources, the criteria set forth in Section 4.4 below should help to minimize any such impacts, which in any event are not projected to rise to the level of significant adverse impacts.

The Complete GEIS identified no significant adverse impacts with regard to scenic, historic or cultural resources; therefore, no mitigation measures are proposed.

CONCLUSION

Based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will have not have a significant adverse impact on scenic, historic or cultural resources, and will likely have a positive impact, when compared with the Future Baseline Conditions.

3.14 PARKS, OPEN SPACE AND RECREATIONAL RESOURCES

Future Baseline Conditions

As described in the Complete GEIS, the Future Baseline Conditions call for the condition of parks, and the conditional and/or acreage of open space and recreational resources in the Town, to generally decline in the Future Baseline Conditions. With respect to parks, both the number of children in Yorktown and the recreational space needed for each child is expected to increase over the next 20 years. Thus, despite the recent increases in the acreage of nearby county and state parks, as the Town population grows, the quality of the Town's existing playing fields

would diminish as they are overutilized, under-irrigated and not given the required "resting time."

Access to parks and recreational resources will continue to be problematic given the inadequate accessibility that currently exists. As the Town's population ages, improving access to parks and recreational resources for those who cannot drive may become increasingly important.

Additionally, under the current zoning, the Town's privately-owned open space will continue to diminish as the last remaining undeveloped parcels succumb to development pressure, largely for housing. As a result, the Town would increasingly appear developed, rather than "open."

Comparison of Proposed Action to Future Baseline Conditions

As discussed in the Complete GEIS, the Proposed Action will not result in any significant adverse impacts to the Town's scenic, historic or cultural resources, and should result in positive impacts.

The Proposed Action includes numerous recommendations that would be beneficial for the Town's parks, open space, and recreational resources, including: development of a new recreational plan; provision of one major new park; improved and expanded hiking trails; creation of a town-wide "greenway" network; the possible creation of new pocket parks; encourage the expansion and use of key parks such as Teatown Lake Reserve and FDR State Park; and increasing and improving access to parks, including to the handicapped. All of these changes would provide substantial benefits to the Town and result in positive impacts on parks and recreational resources.

As discussed in Section 3.2 above, the Proposed Action supports a land use goal of reducing residential development in the Town through upzoning. This reduction in the Town's future population will decrease the number of children and adults who might otherwise utilize the Town's park and recreational resources, and thereby should reduce the pressure placed on these town-wide resources.

The Proposed Action would also help to preserve the Town's privately-owned open space, and create new publicly-owned open space through private initiatives. The Proposed Action's recommendations for creation and/or expansion of the Farmland Preservation Overlay, the COZ, and PDDs would help to protect farmland, environmentally-sensitive areas, and other open space throughout the Town.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Town Board finds that the Proposed Action will protect and improve the Town's park, open space and recreational resources. As concluded in the Complete GEIS and described above, the Proposed Action will result in the preservation, improvement, and/or additional acreage of each of these resource types when compared with the Future Baseline Conditions.

The Complete GEIS identified no significant adverse impacts with regard to parks, open space or recreational resources; therefore, no mitigation measures were proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on parks, open space or recreational resources, and should in fact have a positive impact, compared with the Future Baseline Conditions.

3.15 AGRICULTURAL RESOURCES

Future Baseline Conditions

The Complete GEIS states that most of Yorktown's farms that are not protected from development can be expected to be developed residentially or commercially, depending upon their zoning, under the Future Baseline Conditions. Yorktown currently has a Farmland Preservation Overlay district, which is intended to permanently preserve farmland while allowing clustered residential development adjacent to farms. However, this district only covers the Croton Heights area and Hilltop Hanover, the only farm there, is owned by the County and therefore already protected from development. Thus, unless this Overlay district is expanded, it would not preserve any additional farmland. Despite state, county and Town programs aimed at preserving farmland, the economic pressure for farms to convert to residential or commercial uses is expected to increase in the Town as it nears full buildout and housing prices increase.

Comparison of Proposed Action to Future Baseline Conditions

The Complete GEIS concluded that the Proposed Action will result in positive – not significant adverse – impacts to the Town's agricultural resources.

The Proposed Action includes numerous measures designed to facilitate the preservation of farmland and the continuation of active agricultural operations in Yorktown, including: expansion of the Farmland Preservation Overlay district to farms in Yorktown other than Hilltop Hanover; utilization of the Farmer's Protection and Farm Preservation Act of 1996 to protect historic farm structures; use of scenic overlay districts or conservation easements to preserve farmland with important scenic qualities; and continued identification of open space, including farmland, for outright acquisition, and potentially subsequent lease-back to farmers or developed for educational purposes as "living history" farms. All of these measures would provide substantial benefits to the Town's effort to protect agricultural resources as compared with Future Baseline Conditions.

As discussed in Section 3.2 above, the Proposed Action supports a land use goal of reducing residential development in the Town through upzoning. By reducing the Town's future population, the Proposed Action could reduce the economic pressure exerted on farmers to sell their property to developers.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Town Board finds, as concluded in the Complete GEIS, that the Proposed Action will protect and improve the Town's agricultural resources that otherwise would be lost to development under the Future Baseline Conditions.

The Complete GEIS identified no significant adverse impacts with regard to agricultural resources; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will have a positive impact on agricultural resources when compared with the Future Baseline Conditions.

3.16 TRANSPORTATION

Future Baseline Conditions

As described in the Complete GEIS, the Future Baseline Conditions call for the volume of vehicular traffic generally to increase commensurate with the projected increase in additional density that is anticipated from residential-, retail-, commercial- and office-generated growth over the next 20 years. Under Future Baseline Conditions, no anticipated rezonings or new street extensions or connections would occur, and no new transportation policies would be implemented.

Comparison of Proposed Action to Future Baseline Conditions

The Proposed Action includes several elements related to transportation, including anticipated rezonings, potential street extensions or connections, and transportation policies. The Complete GEIS concluded that the Proposed Action will result in a series of traffic reductions and increases that may offset one another Town-wide or in many parts of the Town but, when taken together, will not result in significant adverse transportation impacts.

The Proposed Action's reduction in residential buildout will reduce the volume of new vehicular traffic, although such benefits may be lessened as a result of new office or retail space.

The Complete GEIS acknowledges that given the multitude of transportation-related elements in the Proposed Action (such as development levels, recommended street extensions and connections, and transportation policies), it is difficult to analyze specific scenarios. However, any new development generating 100 vehicle trips in the peak hour would be required to prepare an individual traffic impact study as part of any future SEQRA, site plan, or other planning process. This would mean, in broad terms, that a residential development with approximately 100 units, a retail development with approximately 20,000 sf, an office development with approximately 65,000 sf, and an industrial development with approximately 100,000 sf would require additional traffic analyses and potential mitigation. The Town could require such a

traffic study for smaller developments if the project location is close to a known problem traffic location.

The Complete GEIS found that the Proposed Action would reduce residential-generated trips during peak hours, but that commercial-generated trips may increase beyond the Future Baseline Conditions within the 20-year horizon period, although this likelihood has been minimized by the reduction in the amount of office space allowed by the Proposed Action. Mitigation measures, including reductions in buildout, are proposed to reduce the potential for increases in the number of such trips.

The policy statements contained in the 2010 Comprehensive Plan generally are intended to increase pedestrian safety, "calm" local streets and school areas, promote non-motorized travel modes, and promote carpooling and transit. The Town Board finds that such policies would not generate significant additional vehicle trips. Some policies, like the promotion of park-and-ride facilities, may have very localized impacts that would require further analysis and likely need commensurate traffic improvements. Generally speaking, these policies are expected to increase transportation safety and expand the range of transportation choices in and around the Town.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

As described in Section 3.2 above, the Proposed Action anticipates zoning changes that are projected generally to reduce potential residential buildout, and to increase office and commercial buildout. The Complete GEIS recognized that Alternative B5's upzoning would reduce residential-generated traffic throughout the Town. Although the Town Board has elected to eliminate the upzonings associated with Alternative B5 (see Section 3.2, above), the Town Board finds that the Proposed Action, by nevertheless reducing overall residential buildout over the buildout associated with Future Baseline Conditions, will still result in a reduction of residential-generated traffic, albeit less of a reduction than if Alternative B5 was still part of the Proposed Action. Moreover, as described below, elements of the Proposed Action will increase transportation safety and transportation options, which should result in a generally-positive impact on transportation in and around the Town.

The Proposed Action recommends that the following seven road connections be constructed: (i) a new road from Strang Boulevard (north) to Route 202 in Crompond; (ii) Mohansic Avenue north to south or Mohansic Avenue to Baldwin Road; (iii) Route 6 bypass; (iv) Lexington Avenue to Old Crompond Road; (v) Downing to Baldwin Road and Route 202; (vi) Front Street to Route 118; and (vii) realign Veterans Road and Greenwood Street. (See Table 3-2 of the 2010 Comprehensive Plan.) The Proposed Action also recommends the Bear Mountain Parkway extension.

However, several road connections proposed in the initial Comprehensive Plan are not included in the Proposed Action. These include a new entrance to Yorktown High School and a connection from Elizabeth Road to Dunning Drive; connections from Navajo, Curry and Gomer Streets to Mahopac Street; a connection from Foothill Street to Lakeland Street; connections from Scofield Road to Sunnyside Road and Stony Street; a connection from Judy Road to Baker Street; the connection of two separate portions of Curry Street; a connection from Brookside to Maple Hill; and a new road from Commerce Street to Veterans Drive. Through the public

process associated with the Proposed Action, the Town Board determined that the neighborhood quality of life impacts of these connections outweighed their potential benefits. The impacts of not constructing any of these road connections except the Route 6 bypass and BMP extension were studied in the Complete GEIS as Alternative B4. The Complete GEIS concluded that the potential for site-specific impacts resulting from these road connections would be significantly reduced if most of the connections were not built.

As described above, the Proposed Action does not include many of the PDDs that originally were proposed. This change was studied in the Complete GEIS as Alternative B3. The Town Board finds that any impacts of this change can be successfully mitigated in accordance with the mitigation measures listed in the Complete GEIS.

Major projects capable of generating significant traffic impacts will be subject to site-specific review and mitigation, as appropriate. As a general matter, the Proposed Action is similar to the Future Baseline Conditions in allowing certain types of major projects, which would be subject to site-specific review under both scenarios. In addition, certain mitigation measures were identified in the Complete GEIS as means of mitigating the site-specific impacts of transportation projects, and will be applicable as described in Section 4.4. For example, possible mitigation could include noise and visual buffering, enhanced wetland mitigation, and the use of natural and engineered BMPs to protect water bodies adjacent to projects.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on transportation when compared with the Future Baseline Conditions. The Town Board finds that the Proposed Action and its associated mitigation measures protect against additional congestion, expand the range of transportation choices in and around the Town, and provide roadway connections in appropriate locations to provide for more safe and efficient travel.

3.17 ECONOMIC RESOURCES

Future Baseline Conditions

The Complete GEIS states that Yorktown is expected under Future Baseline Conditions to experience additional development of retail space over the next approximately twenty years, while the projected outlook for office and industrial is less clear. Yorktown's tourism sector is not expected to grow in the Future Baseline Conditions. The lack of access to an automobile for teenagers, the growing elderly population, and the handicapped could cause the economic activity associated with these groups to decline. No new economic resources are expected to be developed to attract middle- and lower-income populations to the Town, and there are no significant proposals for housing that would be affordable to these groups.

Because of the increased population projected under Future Baseline Conditions, the vast majority of new housing would be single-family homes expected to attract families with school-age children. This growth will put significant pressure on school districts serving the Town, and

require additional revenues to relieve that pressure. Increasing demands for service will also require additional expenditures for both Town and fire services.

Comparison of Proposed Action to Future Baseline Conditions

The Complete GEIS concluded that the Proposed Action will not result in significant adverse impacts to the Town's economic resources, and may in fact result in positive impacts.

The Complete GEIS found that a variety of improvements to business areas, including new zoning regulations, will foster a more diverse business climate, especially the inclusion of traditional "main street" or "village center"-style developments within proposed PDDs and CHC districts within the currently-developed business areas, without precluding commercial uses in other parts of the Town. The development or redevelopment of the business hamlets with small-scale, as opposed to large-scale, retail uses, would have a positive impact on Yorktown's economy by providing new retail and office space for small businesses while continuing to allow chain stores and larger enterprises to operate in existing locations. The 2010 Comprehensive Plan recommends, among other measures, the creation of a "Main Street Manager" for the new hamlet-centered retail spaces, to nurture the businesses by implementing marketing strategies and new signage and gateway treatments. More housing and business diversity will allow a broader range of individuals to participate in Yorktown's economy, while improved transportation options will allow better access to the economy for those without cars.

Given the relatively low demand for office space in Yorktown as compared with other parts of Westchester County, the Proposed Action is not expected to have significant impacts on the office market. However, the Proposed Action would help to ensure that when new office space is developed, it is relatively high-quality, high-value, and energy-efficient development. The Proposed Action also recommends several measures that would likely improve the prospects for increased tourism in Yorktown, including through allowing new hotel and county inn uses in specific zones and PDDs.

The Proposed Action would be expected to improve the accessibility of Yorktown's economic resources when compared to Future Baseline Conditions. The development of "Main Street" and "village center" commercial centers with nearby housing, as well as the recommendation for residential uses above commercial development in all C-2 districts in hamlet centers, will provide significantly more living and shopping opportunities to teenage, elderly, handicapped and other residents who could choose to reside near such commercial centers. The Proposed Action is also expected to have positive impacts on economic equity in the Town by promoting or requiring the construction of middle-income and/or affordable workforce housing, and by providing for new employment opportunities.

Over the 20-year horizon period, the Proposed Action would reduce the number of additional schoolchildren that could live in Yorktown compared with the Future Baseline Conditions, and thereby would have a positive impact on the school system. The Complete GEIS concluded that the Proposed Action would not significantly differ from the Future Baseline Conditions with respect to the fiscal implications for other Town services and fire districts. A reduced Town population will mean less spending and less property tax revenue; however, because the Proposed Action is expected to result in more vibrant commercial areas, the Complete GEIS

concluded that more tax revenue per capita can be expected under the Proposed Action than under the Future Baseline Conditions.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Lead Agency finds that the main economic concepts contained in the Proposed Action include the development of mixed-use, small-town village centers within the hamlet business areas; more active business-retention and recruitment efforts on the part of the Town; and the zoning of additional lands for primarily small-scale office and potentially country inn development. Overall, the Town Board finds that the Proposed Action will not have a significant adverse impact on economic resources compared with the Future Baseline Conditions, and will likely have positive impacts.

The Proposed Action is expected to have positive impacts on the Town's fiscal condition, as a reduction in population would reduce demand that otherwise would be placed on schools and other community facilities, as well as infrastructure. Moreover, as reflected in the Complete GEIS, the Town Board finds that the anticipated loss of tax revenue from the reduction of residential units is expected to be offset by the enhanced commercial activity noted in the prior paragraph that will result from the Proposed Action (e.g., the traditional "main street" or "village center"-style developments in business areas), which activity may result in more tax revenue per capita than under Future Baseline Conditions.

From an economic perspective, the key difference between the 2005 and the 2010 Comprehensive Plans is the removal of certain PDDs. This change was studied in the DGEIS, and it was found that, from an economic perspective, there would be no negative impacts from this removal compared with the Future Baseline Conditions.

The Complete GEIS identified no significant adverse impacts with regard to economic resources; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on economic resources compared with the Future Baseline Conditions.

3.18 COMMUNITY FACILITIES

Future Baseline Conditions

The Complete GEIS anticipates that school districts serving Yorktown will continue to expand in Future Baseline Conditions until after full build-out of the Town is achieved, at which point the moderate growth in school enrollment will stop, and such enrollment will begin to decline. While school expansions are anticipated over the next twenty years, the need to construct entirely new schools is not, unless existing schools need to be replaced due to age or other factors.

The Hart Library in Shrub Oak is the Town's only library, and suffers from a shortage of space. This problem would increase as more residents settle in Town over the next 20 years and place additional demands on the library. Town Hall will become increasingly crowded as the population grows and imposes new demands on local government; it is anticipated that the Town would need to find additional space to meet these demands. In addition, as the Town's senior citizen population continues to rise, it will place increased demands on the Town's already-strained social and health programs for seniors. There currently is an unmet need for youth programs, specifically non-sports programs, as well as an unmet need for locations where youth may gather.

The Future Baseline Conditions will require the Yorktown Fire and Police Departments to continually upgrade their training, equipment, and ability to provide adequate service coverage to a larger population.

Comparison of Proposed Action to Future Baseline Conditions

The Complete GEIS concluded that the Proposed Action will not result in significant adverse impacts to the Town's economic resources, and will likely result in positive impacts.

The Proposed Action will reduce the amount of new residents that move to Yorktown over the next 20 years, which will have several immediate and beneficial impacts to community services: demand will be reduced for all Town services, including emergency services, the library, senior and youth programs, and Town Hall, as well as schools. The Proposed Action will also reduce the potential school-age population to below Future Baseline Conditions, and includes recommendation to consolidate certain school districts or functions in order to reduce costs and achieve greater efficiency.

The Complete GEIS found that the Proposed Action will positively impact library services, by recommending a library expansion on an enlarged site, and establishing a branch library or some limited library services in Yorktown Heights to better serve nearby parts of the Town. The Proposed Action also is projected to improve senior and youth services over Future Baseline Conditions, by recommending an expansion of critical services and transportation options, as well as youth and senior facilities generally.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Complete GEIS found, and the Town Board finds, that the Proposed Action will reduce the Town's future residential growth, which will have a positive impact on the provision of all community services, including with respect to school enrollment. Suggested potential mergers of school districts and functions will help to improve educational efficiency. The Proposed Action recommends provisions to expand senior, youth, and Town Hall and associated services, including the development of new or renovated facilities and/or new programs. Other Town services would be expanded as needed to keep up with demand, as typically occurs.

The Complete GEIS identified no significant adverse impacts with regard to community facilities; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact, and may in fact have a positive impact, on community facilities compared with the Future Baseline Conditions.

3.19 COMMUNITY CHARACTER

Future Baseline Conditions

The Complete GEIS projects that under Future Baseline Conditions, Yorktown is expected to largely retain its current character, which is predominantly that of a low-density suburb. Certain aspects of the community character are expected to diminish, due to an anticipated failure to protect from encroaching development certain important elements that give Yorktown some of its character, such as historical landmarks and districts, open spaces and scenic areas. New development will change the character of areas such as Shrub Oak, and housing demand is projected to cause most Town farmland to be developed for residential and, to a lesser extent, commercial uses. However, other aspects of community character are expected to remain, following standard suburban formulas; this is likely to make it increasingly difficult to distinguish Yorktown from other low-density suburbs throughout the region.

In Area 1 (north of Route 202, West of Taconic), the remaining vacant development tracts will, over the next 20 years, gradually be filled in with development conforming to existing zoning, utilizing designs that are similar to those used in the past and reinforcing the auto-related character of the area. Overall, the area's small-town character will continue to diminish. Publicly-owned lands surrounding Mohegan Lake will not be upgraded or made more accessible, and portions of the area will continue to suffer from lack of sufficient open space and recreation options. The BMP Triangle area will likely develop as a mixture of commercial development without the benefit of any overall planning vision.

In Area 2 (north of Route 202, East of Taconic), the disconnectedness of much of the typical suburban area will persist, with a lack of public centers and focal points. The small-scale buildup around Lake Osceola may yield to out-of-scale development without providing meaningful public access to the lake, while other commercial areas are likely to attract more auto-related development.

In Area 3 (South of Route 202, North of Reservoir, West of Taconic), the Crompond area is likely to remain largely as is, while the Hunterbrook area will be developed with large-lot single-family housing. The Crompond business area will continue to lack a focal point or identity, and the existing negative traffic and visual impacts affecting the area will persist.

In Area 4 (South of Route 202, North of Reservoir, East of Taconic), Yorktown Heights will remain largely as is, which is more of a suburban shopping area than a true community center. Unprotected vacant land in other parts of this area will gradually be filled in as per existing zoning.

Area 5 (South of New Croton Reservoir) is expected to become gradually less rural over the next 20 years. Although portions of this area are protected from development, the remaining

unprotected areas will be fully subdivided and developed for housing. The non-protected forested areas will likely be lost, as lawns and impervious surfaces are put into place.

Comparison of Proposed Action to Future Baseline Conditions

The Complete GEIS concluded that the Proposed Action will result in positive impacts to the Town's community character as compared to Future Baseline Conditions.

In Area 1, the Proposed Action will enhance the Mohegan Lake area by, among other measures, providing continuous sidewalks along Route 6, creating pedestrian nodes of small-scale commercial and mixed-use development, preserving open space, and adding walking trails in natural areas. New focal points for community life will be created, and the existing small-town character of Shrub Oak will be specifically preserved. Shrub Oak's character will also be enhanced by new measures, such as streetscape upgrades, tree plantings, and upgrades to the Hart Library and other services. Protection will be extended to numerous historic properties in Shrub Oak, and the area will be designated as a historic area. Significantly less residential development will take place to the south of Mohegan Lake and Shrub Oak under the Proposed Action, and the BMP Triangle will be rezoned with a PDD to ensure well-designed, consistent commercial development there.

In Area 2, the Proposed Action will create pedestrian-oriented areas along Hill Boulevard and Lee Boulevard, promote sensitive redevelopment of the area around Lake Osceola while improving public access to the lake and preserving open space throughout the Jefferson Valley area. The existing residential areas on East Main Street west of Hill Boulevard will be protected from commercial encroachment, and ornamental gateways would be created at Lee Boulevard and Hill Boulevard along Route 6 to create a sense of identity and place. In the subdivisions south of Jefferson Valley and in Amawalk and Sparkle Lake, the Proposed Action will provide for new neighborhood plans to be developed in order to improve community character using such measures as traffic calming, tree planting and protection, and the provision of new neighborhood parks.

In Area 3, the Proposed Action will dramatically change the existing business area by development of a strategy to "green" the commercial frontage and improve the streetscape by adding landscaping and pedestrian accommodations and improving signage along the Route 202 corridor. These changes would dramatically improve the appearance of this corridor, upgrading its appearance from an ordinary commercial highway strip to a signature shopping area. A smaller-scale mixed-use village center will be constructed adjacent to the Crompond border, replacing the strip commercial development in the same location. In Hunterbrook, the Proposed Action will reduce the residential buildout and protect farmland and sensitive environmental areas. As a result, Hunterbrook will retain more of its uniqueness than under Future Baseline Conditions.

In Area 4, the Proposed Action will encourage the construction of main-street style development in Yorktown Heights along Commerce Street and Underhill Avenue between Routes 202/118 and Town Hall. While the existing large shopping centers will be retained, they will be supplemented by offices, apartments and small-format retail stores in mixed-use buildings oriented to the street to create a true downtown. Throughout Yorktown Heights, truck-intensive

uses would be discouraged or removed, and road connections would be made to provide alternate routes and relieve congestion at traffic choke points. At the same time, Yorktown Heights would remain the Town's community center, with Town Hall and the Yorktown Community and Cultural Center remaining focal points. All of these actions would have a positive impact on the character of Yorktown Heights.

Other positive impacts of the Proposed Action on Area 4 include the expansion and extension of parks and trailways, streetscape and façade improvements within the Yorktown Heights business area, and an extension of Downing Street to Route 202, in order to create an opportunity for a contextual expansion of the small-lot residential areas on the edge of Yorktown Heights. This expansion will have a positive impact on the character of the area by creating a small, well-designed residential community as an extension of the existing built-up area. Ornamental gateways will be added to the entrances to the business area, further improving the area's image and character. Farther east and south, more protections will be afforded to significant scenic, historic and natural areas, the Farmland Protection Overlay Zone would be expanded, and COZs will protect sensitive environmental areas such as wetlands and steep slopes in rural areas.

In Area 5, the Proposed Action recommends implementation of COZs to protect sensitive environmental areas such as wetlands and steep slopes in rural areas, and upzone certain areas to reduce the number of housing units that could be built in southern Yorktown. Because housing development will continue under the Proposed Action, overall, as under Future Baseline Conditions, a gradual erosion of rural character in this area will take place, but it will be mitigated through additional parkland purchases and more stringent zoning requirements.

2010 FINDINGS: SUMMARY OF IMPACTS, MITIGATION, DETERMINATIONS, AND RATIONALE

The Complete GEIS found that under the Proposed Action, new zoning regulations and other protections would be recommended throughout Town to protect and enhance the unique character of each part of Yorktown.

The Town Board finds, as set forth in the Complete GEIS, that the Proposed Action will largely preserve Yorktown's current character as a low-density suburb and, unlike the Future Baseline Conditions, would preserve or protect unique aspects of Yorktown's character, as well. In addition, the Proposed Action will create and enhance unique characteristics that do not presently exist, thereby enhancing the character of those areas. As detailed in the Complete GEIS and in the applicable topical discussions above, historic structures and neighborhoods would be given new protections, and scenic vistas and open space would be preserved. Park land would be upgraded, and neighborhoods would be linked together through a town wide greenway network. Aesthetic values would be protected to a much greater degree than if the Proposed Action were not implemented.

The Proposed Action recommends town-wide changes that would impact community character, including the provision of streetscape and improvements throughout all Town business areas, and the development of "Main Street" or "village center" style downtowns. The Town Board finds that these changes would improve community character, and distinguish the various Areas. The proposed upzonings, COZs and Farmland Protection Overlay zones would result in more

Area-appropriate development than would occur under Future Baseline Conditions. The protection of open space and scenic areas would further protect and enhance each Area's community character.

As described in Section 3.4 above, changes recommended by the Proposed Action to the Town's housing policies would impact community character in each Area, while not changing the overall low-density character of the Town. Changes such as the inclusionary housing law, allowing residential-over-commercial uses in hamlet centers, and loosening restrictions on accessory units will each positively impact community character. Moreover, the Proposed Action will provide buffers between residential and commercial areas and create a pedestrian-centered orientation for new residences built in and near commercial areas, which will positively impact community character by diversifying neighborhoods and creating new, more-walkable and less automobile-dependant residential neighborhoods in and near business centers.

The 2010 Comprehensive Plan removes several PDDs included in the initial Comprehensive Plan, which change was studied in the Complete GEIS as Alternative B3. The Town Board finds that several of the PDDs would have been detrimental to community character or the environment, and that some PDD benefits still are delivered by conventional zoning in light of the 2010 Comprehensive Plan's goal of restricting development where sensitive environmental features or inadequate infrastructure are present.

The Complete GEIS identified no significant adverse impacts with regard to community character; therefore, no mitigation measures are proposed.

CONCLUSION

Overall, based on the conclusions in the Complete GEIS, the Town Board finds that the Proposed Action will not have a significant adverse impact on community character compared with the Future Baseline Conditions.

4 Conclusions with Regard to Environmental Impacts

4.1 UNAVOIDABLE ADVERSE IMPACTS

An "unavoidable adverse impact" is a significant adverse impact that cannot be avoided or mitigated. The relevant impacts for purposes of determining unavoidable adverse impacts are represented by the difference between the Future Baseline Conditions and the implementation of the Proposed Action.

The Complete GEIS concluded that the Proposed Action will cause no unavoidable significant adverse impacts. As set forth in the summaries above, and as described more fully in the Complete GEIS, most of the impacts of the Proposed Action are positive when compared with the Future Baseline Conditions. Moreover, all proposals that could create localized negative (but non-significant) impacts will be subject to further environmental review before they are actually implemented. Finally, as described in Section 4.4 below, the Town Board is adopting specific criteria to be incorporated when future site-specific proposals are made, which criteria will help to ensure that potential environmental impacts are considered and mitigated.

Accordingly, the Town Board finds that the Proposed Action will cause no unavoidable adverse impacts.

4.2 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

An action may be said to cause an irreversible and ir retrievable commitment of resources when it would create a loss of manmade or natural resources when compared with the Future Baseline Conditions.

The Complete GEIS concluded that the Proposed Action will result in a reduction of the use of manmade and natural resources when compared to the Future Baseline Conditions, and that fewer such resources will potentially be lost under the Proposed Action than under the Future Baseline Conditions.

Accordingly, the Town Board finds that the Proposed Action will result in less use, and less potential loss, of manmade and natural resources as compared to such use under the Future Baseline Conditions.

4.3 GROWTH-INDUCING IMPACTS

The Complete GEIS found that, because the Proposed Action would reduce residential build out, population growth in Yorktown would be less under the Proposed Action than under the Future Baseline Conditions. The Complete GEIS also found that the Proposed Action could result in additional nonresidential development over and above the Future Baseline Conditions (especially of the traditional "main street" or Village center"-style commercial development within proposed PDDs and CHC districts within the currently-developed business areas); however, the Town

Board finds that such nonresidential development, which is required to adhere to strict design standards, will bring substantial benefits by helping to shore up the Town's tax base and promote the redevelopment of currently-unattractive commercial areas in a human-scaled, pedestrian-friendly manner consistent with the vision set forth in the 2010 Comprehensive Plan.

The Town Board finds that roadway connections included in the Proposed Action are not expected to induce population growth because, as concluded in the Complete GEIS, substantially all residentially-zoned lands are expected to be built out regardless of whether the road connections are built. However, in some cases, certain roadway connections in business areas may encourage additional nonresidential development in accordance with the proposed zoning requirements. Such development will be required to undergo environmental impact review in order to determine whether the infrastructure, including roadways, is adequate to serve the development. Similarly, as set forth in Section 4.4 below, any future zoning amendments made in furtherance of the Proposed Action will be subjected to project reviews that will scrutinize several environmental considerations, including whether the Town's existing road network can accommodate any newly-generated traffic.

Accordingly, the Town Board finds that the Proposed Action will not result in additional growth-inducing impacts compared with Future Baseline Conditions, and, in fact, will lessen some of the growth-inducing impacts projected to occur under the Future Baseline Conditions.

4.4 CRITERIA FOR FUTURE PLAN IMPLEMENTATION

As noted in the Complete GEIS, any future individual actions taken to implement the Proposed Action could have specific, localized impacts that are beyond the scope of the generic analysis contained in the Complete GEIS. Therefore, the Complete GEIS indicated that such actions should be required to undertake certain additional environmental analyses when they undergo individual project reviews as part of the site plan, subdivision or other approval processes.

Accordingly, the Town Board finds that all future proposals seeking to implement the Proposed Action should include, at a minimum, scrutiny of the following environmental considerations as part of their respective site plan, subdivision, or other approval processes:

1. Whether the proposed project would impact the quality and/or quantity of runoff into water supply and recreational resources, including groundwater, recreational lakes, the New Croton Reservoir, the Muscoot Reservoir and the Peekskill Hollowbrook, or any tributaries feeding these water bodies. To the extent practical, projects should be designed to maximize on-site groundwater recharge, maintain pre-construction runoff rates, and utilize natural BMPs where filtering, retention and detention are required.
2. Whether the proposed project would impact areas of critical environmental concern, including critical habitats, wetlands, vernal pools and steep slopes. Projects should be sensitively designed so as to avoid impacting such areas and to preserve identified wildlife corridors and critical habitat areas.
3. Whether the proposed project can be served adequately by parks, schools and emergency services.

4. Whether the proposed project would alter the Town's housing balance. Residential projects should be developed consistent with the goals of the Comprehensive Plan.
5. Whether the amount of traffic from any site-specific proposal can be adequately handled by the Town's existing transportation infrastructure. The adoption of transportation management plans, as well as project designs that encourage pedestrian and non-motorized transportation, should be considered in the evaluation of any site-specific project.
6. Whether proposed development would lie in the path of or block views in the Town's scenic vistas or view corridors, or views of parks and open space.
7. For projects involving septic systems, whether the size and environmental conditions of the property are sufficient to assure safe and adequate treatment of the waste expected to be generated by the project.
8. For projects that will be connected to public sewer and water, whether sewer and water supply capacity is sufficient to serve the proposed project.
9. Whether the proposed project would adversely affect historic, scenic, cultural or agricultural resources, or would adversely impact the character of an existing community. To the extent possible, projects should be designed consistent with the Comprehensive Plan's vision so as to protect historic, scenic, cultural and agricultural resources, as well as to protect and enhance community character.
10. For previously approved projects with lapsed approvals, or for developers seeking an extension of time for existing approvals, a new or supplemental environmental review should be conducted to evaluate the project's impact on the above-listed conditions with particular focus on infrastructure impacts and to ensure compliance with the Town's current regulations.
11. If any new development might affect infrastructure service capacity (e.g., roadway traffic volume, sewer and water service), the developer should be encouraged to undertake appropriate mitigation measures and/or infrastructure improvements to the extent practicable.

5 Conclusion and Certification of Findings

The Town Board has considered the facts, conclusions and analyses set forth in the Complete GEIS and the subsequent public review process, as described above. The Town Board also has reviewed the hundreds of written comments that have been submitted, as well as the oral comments that have been made, during the review process for the Proposed Action. In light of all the information in the record, the Town Board has reached the conclusions set forth herein, which form the basis for the Town Board's issuance of these Findings on the Proposed Action as required by SEQRA.

The Proposed Action represents the first significant update of Yorktown's Comprehensive Plan in over 20 years, and puts forth a renewed vision for Yorktown's future. This vision, as described in the 2010 Comprehensive Plan, encompasses all areas of day-to-day life, from land use, housing and transportation, to parks and community facilities. By striving toward this vision, the Town Board believes that Yorktown can maintain, and even improve upon, its exceptional quality of life, so that future generations can enjoy living and working in Yorktown as much as residents do today.

The Proposed Action will ensure that Yorktown continues to be primarily a low-density community of single-family homes, with strong and diverse neighborhoods that have a balance of development and open space. Yorktown's five hamlet centers will be improved so as to ensure their continued functioning as vital centers of commerce and community life, with a mix of office, residential, retail and civic uses. Housing diversity will be enhanced, with greater development of multiple family and affordable workplace units. Diversifying the range of businesses and assuring their appropriate locations will strengthen Yorktown's local economy. Through targeted upzoning, infrastructure improvements and additional protection of natural, scenic and historic resources, Yorktown's future development will be carefully balanced and coordinated with transportation and other needs.

The Proposed Action will result in expanded efforts to preserve and enhance open space, and recreational and natural resources, and to maintain and even improve the Town's ecological resources, including groundwater, streams and wetlands, trees and woodlands, steep slopes, and areas rich in biodiversity, even in the face of controlled future growth. Yorktown's community facilities and services will continue to enhance residents' quality of life, protect public safety, and provide for a rich civic and cultural environment. Over the 20-year horizon period, the Proposed Action would reduce the number of additional schoolchildren that could live in Yorktown compared with the Future Baseline Conditions, and thereby would have a positive impact on school systems serving the Town. Although a reduced Town population will mean less spending and less property tax revenue, the Proposed Action is expected to result in more vibrant commercial areas, the tax revenue from which would offset that loss. Overall, the Proposed Action is expected to increase per capita revenue compared to the Future Baseline Conditions.

The Proposed Action is not anticipated to result in any significant adverse environmental impacts. However, along with the above benefits of the Proposed Action, some non-significant adverse impacts are expected. It is anticipated that such non-significant adverse impacts can be mitigated, at least partially and in some instances fully, by the mitigation measures described above and in the Complete GEIS.

The Town Board finds that, on balance, in light of the information contained in the Complete GEIS and the administrative record, the benefits of the Proposed Action outweigh the benefits offered by those elements of Alternatives B1, B3 and B4 that were not made a part of the Comprehensive Plan, whether those alternatives are considered individually or in the aggregate. The Town Board also finds that, on balance, in light of the information contained in the Complete GEIS and above, the benefits of the Proposed Action outweigh the benefits offered by Alternatives B5 and B6, including consideration of the alternatives noted in the preceding sentence.

In issuing this 2010 Findings Statement, the Town Board has weighed the various benefits of the Proposed Action against its adverse environmental impacts, taking into account the effectiveness of the measures anticipated to mitigate those impacts. The Board has concluded that the benefits of the Proposed Action outweigh its limited adverse environmental impacts. The Town Board has also taken into account the reasonable alternatives available to avoid or reduce such impacts and has incorporated certain favorable elements of several alternatives into the Proposed Action (as described above). The Town Board concludes that, on balance, the Proposed Action's benefits are even more compelling than when considered in light of those elements of alternatives that have been incorporated into the Proposed Action.

* * *

Based on the foregoing considerations, and having considered the Complete GEIS, including all comments received thereupon, and the preceding written facts and conclusions, the Town Board as Lead Agency finds and certifies that:

- a. the Town Board has considered the relevant environmental impacts, facts and conclusions pertaining to the Proposed Action as disclosed in the Complete GEIS;
- b. the Town Board has weighed and balanced relevant environmental impacts of the Proposed Action with social, economic and other considerations;
- c. the Town Board has provided a rationale for its decision to approve the Proposed Action as required by SEQRA and its implementing regulations;
- d. the Proposed Action is consistent with social, economic and other essential considerations from among the reasonable alternatives available; and
- e. the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable, and adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

**Agency: Town Board of the Town of Yorktown, N.Y.
 363 Underhill Avenue
 Yorktown Heights, N.Y. 10598**

Date: June 15, 2010

Susan Siegel, Town Supervisor