

POSITIVE SEQR DECLARATION – CROTON OVERLOOK

Supervisor Siegel moved, seconded by Councilman Martorano, to adopt the following SEQR Resolution on the Croton Overlook application:

WHEREAS, the Town Board of the Town of Yorktown (“Town Board”) received a Verified Petition dated June 10, 2010, from 107 Devries Corp. d/b/a Croton Overlook Corporation (“Petitioner”), as owner of a parcel identified as certain real property, comprised of 62.33 acres located east of the intersection of NYS Routes 134 and 100, designated on the Town Tax Map as parcels 70.15-1-2 and 70.11-1-16 and as prospective contract vendee of certain real property, comprised of 1.65 acres and designated on the Town Tax Map as parcel 70.15-1-1 (“Property”), seeking to change the zoning of the Property from R1-80 to RSP-1 in order to construct 68 age-restricted fee simple housing units (“Proposed Action”); and

WHEREAS, by resolution adopted June 15, 2010, the Town Board determined that the Proposed Action is subject to the State Environmental Quality Review Act under the N.Y.S. Environmental Conservation Law, Article 8 (“SEQRA”), preliminarily classified the Proposed Action as a Type 1 action under SEQRA, and declared its intention to act as Lead Agency for the purpose of reviewing the environmental impacts of the Proposed Action under SEQRA (“Lead Agency”); and

WHEREAS, none of the other involved agencies or Petitioner, as sponsor of the Proposed Action, requested the New York State Commissioner of Environmental

Conservation to designate a Lead Agency and by resolution adopted August 3, 2010, the Town Board declared that it had been established as Lead Agency for the purpose of reviewing the environmental impacts of the Proposed Action under SEQRA; and

WHEREAS, the Town Board has reviewed the attached Full Environmental Assessment Form, Part 1, prepared on the Proposed Action on behalf of Petitioner with supplemental materials contained in the “Revised and Expanded Environmental Assessment Form,” and the Full Environmental Assessment Form, Parts 2 and 3, prepared on the Proposed Action on behalf of the Town Board by the Town Planning Department; and

WHEREAS, the Town Board has concluded that the Proposed Action may have a significant impact on the environment if it is approved and built; and

WHEREAS, the Town Board has reviewed the attached draft Positive Declaration prepared on the Proposed Action on behalf of the Town Board by the Town Planning Department;

NOW THEREFORE, be it

RESOLVED, that the Town Board adopts the contents of the Full Environmental Assessment Form, Parts 2 & 3; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to complete and sign the Determination of Significance on the Full Environmental Assessment Form declaring as set forth therein that the Proposed Action “may result in one or more large impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared”; and be it

FURTHER RESOLVED, that the Town Board adopts the contents and conclusions set forth in the attached draft Positive Declaration regarding the potential environmental impacts if the Proposed Action is approved and built; and be it

FURTHER RESOLVED, that the Town Supervisor is authorized to file the Positive Declaration as adopted aforesaid with the agencies named in the Positive Declaration and otherwise in accordance with applicable law; and be it

FURTHER RESOLVED, that scoping shall be conducted in accordance with N.Y.S. Department of Environmental Conservation Rule 617.8 (6 NYCRR §617.8) based on a draft Scoping Document for preparation of a Draft Environmental Impact Statement for the Proposed Action filed with the Town Board on February 8, 2011 (“Draft Scoping Document”); and be it

FURTHER RESOLVED, that a duly noticed and advertised scoping session will be held by the Town Board on the 15th day of February, 2011 at 7:30 PM to consider the Draft Scoping Document; and be it

FURTHER RESOLVED that the Town Clerk shall distribute the Draft Scoping Document and provide notification of the scoping session and comment period to the Petitioner, Involved Agencies and any individual or interested agency that has expressed an interest in writing; and be it

FURTHER RESOLVED, that the Town Supervisor and other appropriate Town Officers are authorized to take such other and further action as might be necessary to meet the Town Board’s obligations as Lead Agency or as otherwise might be appropriate in its role as Lead Agency and as an Involved Agency.

VOTE

AYES: 3 (Supervisor Siegel, Councilman Martorano, Councilman Patel)

NAYS: 1 (Councilman Murphy)

The Resolution was thereupon adopted on February 8, 2011.

Dated: February 10, 2011

Town Clerk