

617.21 SEQR

**State Environmental Quality Review
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft EIS
Determination of Significance**

Project Number Date: February 8, 2011

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

The Town of Yorktown Town Board, as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action: Croton Overlook Development

SEQR Status: Type 1

Scoping: Yes If yes, indicate how scoping will be conducted:

Public scoping session

Description of Action: The applicant proposes to develop a 72 lot subdivision to facilitate the construction of a 55 and over active adult residential community. The project will consist of 70 residential fee simple duplex units on individual lots, one 44-acre lot dedicated to open space, and one lot for the wastewater treatment system with a subsurface infiltration area. The project is located on a 62.76 acres site currently zoned R1-80. The proposal requires a change in zoning from R1-80, Single Family Residential to RSP-1, Age Oriented Community.

The project will require the following approvals and permits, including but not limited to: a zone change from the Yorktown Town Board, a subdivision approval and site plan approval from the Yorktown Planning Board, county health department approval for wastewater treatment and water systems; Town of New Castle approval for water system; NYSDEC SPDES permit; NYCDEP SWPPP approval.

Location: (Include street address and the name of municipality/county. A location map of the appropriate scale is also recommended.)

**Dell Ave. & Route 100, Town of Yorktown /
County of Westchester**

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Reasons Supporting This Determination:

Impact on Land Use and Zoning Existing Conditions - The proposed project is located adjacent to the Croton Reservoir in an area of very low density single family housing. The proposed use does not conform to area-wide planning studies and land use plans such as the town's Comprehensive Plan and Westchester County's Patterns for Westchester, and Westchester 2025. Issues associated with this change of use and non-conformance with adopted land use plans needs to be considered and adequately studied.

Impact on Visual Resources - The proposed project will have an impact on existing viewsheds, the aesthetic character of the neighborhood, and the scenic values which were deemed worthy of protection and preservation. As the proposed project is visible from multiple locations, these aesthetic values may be adversely affected, and need to be fully considered and adequately studied. Potential impacts to Kitchawan Preserve, a critical environmental area as designated by Westchester County needs to be considered.

Impact on Environment – The proposed project may have impacts resulting from the proposed community sewage treatment system, and the future impact that may result from the failure of the system.

Impact on Soils, Topography, Steep Slopes, and Geology - The project poses a risk of adverse impacts from erosion during construction, and impacts associated with permanent alteration of existing topography. The on-site soils, topography, steep slopes ranges of 0 to 10%, 10 to 20% and > 20%, rock outcrops and underlying geology need to be adequately analyzed.

Impact on Plants and Animals - Flora and Fauna - The proposed project has the potential to adversely impact existing resident plant and animal populations, habitats, and wildlife corridors. The project may adversely impact any vernal pools on the site, if present. The project needs to be evaluated in context of the "Biodiversity Conservation Study" (June 2009) prepared by Sterns & Wheeler, and of the "Croton to Highlands Biodiversity Plan" (2004) prepared by the Metropolitan Conservation Alliance as it relates to the site. The proposed project has the potential for adverse impacts to existing on-site tree inventory and to Yorktown' community forest as defined in the town's tree ordinance.

Impact on Wetlands and Surface Water Resources - Disturbance of wetlands, watercourses, vernal pools and buffers have not be adequately evaluated and will need to be fully considered.

Impact on Cultural Resources - The proposed project may impact historic, or prehistoric, or paleontological resources. The proposed site must be evaluated for the potential for the existence of these resources on the site.

Impact on Demolition and Construction - The proposed project may exhibit adverse impacts from construction, such as blasting, erosion, phasing, etc. The proposal needs to describe measures to minimize demolition and construction-related impacts to air quality, water quality, traffic safety, and noise.

Impact on Community Facilities - (Emergency Services.) The proposed project will have an impact to the existing emergency services system. Those potential impacts to community facilities and services need to be fully considered and addressed.

Impact on Growth and Character - The proposed project will have an impact on community and neighborhood character, including an increase in density, affordable housing, both general and senior housing, the loss of neighborhood open space and recreation, and aesthetic values.

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Impact on Stormwater Management – The construction of new impervious surfaces of 70 housing units and the associated roadways, driveways, and other pavements will potentially impact surface water flow, erosion, water quality and may also affect the Croton Reservoir, a source of potable water for the New York Metropolitan area.

Other potential Impacts:

Impact on Solid Waste

Impact on Utilities

Impact on Traffic Conditions, Safety, and Flow.

Impact on Fiscal Conditions

The above-described potential impacts are not intended to represent a scope of the Draft Environmental Impact Statement, but describe some of the reasons for requiring that a DEIS be prepared for the Proposed Action. The subject matter to be addressed in the DEIS will be described in greater detail when a draft scope is prepared for the Proposed Action and prior to the time when a final scope is adopted by the Town of Yorktown Town Board.

For Further Information:

Contact Person: Susan Siegel, Town Supervisor

Address: 363 Underhill Avenue, Yorktown Heights, NY 10598

Telephone Number: (914) 962-5722 (same contact information as Lead Agency)

For Type I Actions and Conditional Negative Declarations, a copy of this Notice Sent to:

***Commissioner, Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-0001**

***Appropriate Regional Office of the DEC**

***Office of the Chief Executive Officer of the political subdivision in which the action will be principally located. Susan Siegel**

***Applicant**

***Other involved Agencies (if any) See attached list**