

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Expanded Full EAF for the Yorktown Heights Planned Design District Overlay Zone prepared by BFJ Planning and TranspoGroup, dated November 19, 2021, public comments made at the Public Hearing held on December 14, 2021, and written comments received by the Town Board

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Yorktown Town Board \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Yorktown Heights Planned Design District Overlay Zone

Name of Lead Agency: Town of Yorktown Town Board

Name of Responsible Officer in Lead Agency: John Tegeder

Title of Responsible Officer: Director of Planning

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: John Tegeder

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**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**APPROVE REZONING NEGATIVE DECLARATION  
YORKTOWN HEIGHTS PLANNED DESIGN DISTRICT OVERLAY ZONE**

**State Environmental Quality Review  
Negative Declaration Notice of Determination of Non-Significance**

**Project Name:** Town of Yorktown Yorktown Heights Planned Design District Overlay Zone

**Date:** December 28, 2021

**Tax Lot ID numbers:**

- 1) Rezoning from R1-10 to R1-10 and Yorktown Heights Planned Design District Overlay Zone the following lots on the Tax Map of the Town of Yorktown (section/block/lot): 37.14-1-47; 37.14-1-48; 37.14-1-51; 37.14-1-61; 37.14-1-62; 37.14-2-32
- 2) Rezoning from R1-20 to R1-20 and Yorktown Heights Planned Design District Overlay Zone the following lots on the Tax Map of the Town of Yorktown (section/block/lot): 48.06-1-30
- 3) Rezoning from RSP-2 to RSP-2 and Yorktown Heights Planned Design District Overlay Zone the following lots on the Tax Map of the Town of Yorktown (section/block/lot): (a portion of) 37.18-1-50
- 4) Rezoning from C-1 to C-1 and Yorktown Heights Planned Design District Overlay Zone (section/block/lot): 37.14-2-62; (a portion of) 37.14-2-49; 37.18-2-56; 37.18-2-57
- 5) Rezoning from C-2 to C-2 and Yorktown Heights Planned Design District Overlay Zone (section/block/lot): 37.14-2-35; 37.14-2-54; 37.14-2-55; 37.14-2-56; 37.14-2-57; 37.14-2-58; 37.14-2-59; 37.14-2-60; 37.14-2-61; 37.14-2-63; 37.14-2-64; 37.14-2-66; 37.14-2-67; 37.14-2-68; 37.18-2-49; 37.18-2-50; 37.18-2-51; 37.18-2-52; 37.18-2-53; 37.18-2-54; 37.18-2-55; 37.18-2-58; 37.18-2-59; 37.18-2-60; 37.18-2-61; 37.18-2-62; 37.18-2-63; 37.18-2-64; 37.18-2-65; 37.18-2-66; 37.18-2-67; 37.18-2-68; 37.18-2-69; 37.18-2-70; 37.18-2-71; 37.18-2-72; 37.18-2-73; 37.18-2-74; 37.18-2-75; 37.18-2-76; 37.18-2-78; 37.18-2-79; 37.18-2-80; 37.18-2-81; 37.18-2-82; 37.18-2-83; 37.18-2-84; 37.18-2-85; 37.18-2-86; 37.19-1-10; 37.19-1-11; 37.19-1-12; (a portion of) 48.06-1-31; 48.06-1-32; 48.06-1-33
- 6) Rezoning from C-3 to C-3 and Yorktown Heights Planned Design District Overlay Zone (section/block/lot): 37.14-1-44; 37.14-1-45; 37.14-1-46; 37.14-2-33; 37.14-2-34; 37.14-2-50, (a portion of) 37.14-2-51; 37.14-2-52; 37.14-2-69; 37.14-2-70

**Total acres:** approximately 17 acres

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

The Town of Yorktown Town Board as the Lead Agency has determined that the proposed action described below will be carried out in conformance with the conditions and thresholds established in the Expanded Full Environmental Assessment prepared for the Yorktown Heights Planning Design District Overlay Zone dated November 19, 2021.

**SEQRA Status:** Type 1

**Description of Action:**

Yorktown Heights Planned Design District Overlay Zone (PDDOZ)

The Town of Yorktown is proposing a zoning overlay for a portion of the Yorktown Heights hamlet to promote downtown revitalization, economic development, and to provide housing opportunities in the hamlet. The proposed Yorktown Heights PDDOZ would permit multifamily residential developments, mixed-use residential and commercial buildings, and live/work units in an area that is mostly zoned for commercial development. The proposed zoning would also allow developments to have a floor-area ratio (FAR) of 0.55, and would permit buildings heights of three stories or four stories if the site is ten acres or larger. The underlying zoning would regulate area and bulk requirements; however, the Planning Board may be guided by the area and bulk requirements of the R-3 district for residential and mixed-use developments.

**Location:** The tax lots proposed for rezoning are located in the Yorktown Heights hamlet business center, Town of Yorktown, Westchester County, New York.

**Reasons Supporting this Determination:** The Town of Yorktown is considering a zone change that would allow the redevelopment of the Yorktown Heights hamlet area. Consistent with the 2010 Comprehensive Plan for the Town, development of the Town’s hamlet business centers would provide an opportunity for increased economic development and preservation of identified natural resources. The Comprehensive Plan calls for a mix of uses including housing, office and retail uses. The proposed rezoning action would enable implementation of the goals identified in this plan.

An Expanded Full Environmental Assessment Form (Expanded FEAF) has been prepared by BFJ Planning based upon a Reasonable Estimate of Future Development of the proposed rezoning action to assess the maximum impacts and benefits associated with hamlet development of this area, consistent with the objectives outlined in the 2010 Comprehensive Plan. Future development based on the rezoning was predicted using Soft Sites, which are sites that are likely to be developed in the next ten years. Upon future submission of site plan applications, site specific SEQRA review will be conducted and impacts will be mitigated to the fullest extent practicable.

The Yorktown Town Board carefully considered that the proposed action relates solely to the zone change of the Yorktown Heights PDDOZs and that since the rezoning action pertains to more than a single project site; and that requiring future site specific SEQRA reviews of all future site plan applications within the planned design district overlay zone would result in

environmental review to the fullest extent possible and would not result in environmental review that is any less protective of the environment, thus these related actions could appropriately be deemed as a permissible segmentation of actions.

The Yorktown Town Board has reviewed a comprehensive Expanded FEAF dated November 19, 2021. This Expanded FEAF was prepared in accordance with Section 8-0101 of New York State Environmental Conservation Law and the regulations promulgated by the New York State Department of Environmental Conservation thereunder which appear at 6 NYCRR Part 617 (known as the New York State Environmental Quality Review Act, "SEQRA", or "SEQR"). The Expanded FEAF included supplemental studies intended to assist the SEQR lead agency in making a determination whether the proposed action would likely result in any potentially significant environmental impacts. The analyses contained in the Expanded FEAF have been provided in sufficient detail to allow the Lead Agency to make a determination regarding the proposed rezoning action.

A public hearing on the proposed rezoning action and Expanded FEAF was held on December 14, 2021. The Town Board of the Town of Yorktown, after carefully reviewing all supporting documentation and listening to public comment, acting as the lead agency, has determined that the proposed rezoning action as described will not result in a significant adverse environmental impact. The proposed rezoning of the tax parcels identified within the Yorktown Heights PDDOZ is being sought to permit mixed use development of the Yorktown Heights hamlet area. The Town Board has determined the proposed rezoning will not result in significant adverse environmental impact based upon the following considerations;

#### LAND USE & ZONING

As noted in the 2010 Comprehensive Plan, as Yorktown's downtown, the Yorktown Heights business center should continue to have a mix of civic institutions, parks, and shopping. A pedestrian-oriented "Main Street" should be created to build a sense of place. The vision of the 2010 Plan places priority on continued residential development in the Town and emphasizes the importance of the Town's hamlet centers.

The proposed rezoning is necessary to permit implementation of the following recommended goals of the 2010 Comprehensive Plan:

Bolster the long-term economic vitality of Yorktown's five hamlet business centers, building on their current strengths, and taking into account retail trends and competition.

Promote the five hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional office, park/civic uses, and compatible residential uses that create an atmosphere of vitality.

Avoid sprawl along Yorktown's commercial corridors, and encourage a high standard of architectural design, landscaping, and maintenance for all development.

Improve access into and circulation throughout the five hamlet business centers through roadway and intersection improvements, while also promoting walking and biking by creating safer and

more comfortable environments for pedestrians and cyclists. Promote convenient parking, while also promoting more efficient parking patterns and striving to reduce unnecessary expanses of blacktop. Ensure that infrastructure improvements are provided before or concurrent with significant new development.

A reasonable estimate of future development that would be produced by the Yorktown Heights PDDOZ was determined by combining the incremental change in development at the Known Development Sites, those sites with approved site plans that have not been constructed yet, with the projected incremental change in development from the Soft Sites, those sites where development is unknown to the Town, but that may reasonably be developed in the next 10 years. This analysis concluded that the Yorktown Heights PDDOZ would produce 405 residential units, 18 hotel rooms, and would reduce commercial space in the overlay by 92,464 GSF over the next ten years. Commercial floor area would be reduced because largely commercial developments would be redeveloped with mostly residential buildings.

The proposed Yorktown Heights Zoning Overlay is located in Yorktown Heights hamlet, which receives its drinking water through the Northern Westchester Joint Water Works, which sends water from the New York City water supply system to the Yorktown, Somers, Cortlandt, and Montrose water districts. There are no issues with the Town's water supply and that there is sufficient capacity for the projected water demand.

The Yorktown Heights hamlet sends its wastewater to the Yorktown Heights Water Pollution Control Plant. The sewage treatment plant was originally constructed in 1963 and was renovated approximately 15 years ago. The sewage treatment plant has permitted capacity for 1.5 million gallons per day (MGD), and currently uses about 1.2 MGD; the plant could treat an additional 300,000 gallons of wastewater per day. We project that the development in Yorktown Heights would produce 74,696 gallons per day, and therefore would not exceed capacity at the treatment plant. Additionally, the sewage treatment plant was designed and constructed to treat more flow than it is currently permitted for, and the Town could work with the New York State Department of Environmental Conservation to expand their permit if needed in the future.

#### DEMOGRAPHIC & ECONOMIC RESOURCES

The Yorktown Heights PDDOZ is located within the Yorktown Central School District. Based upon the potential buildout and demographic multipliers published by the Rutgers University Center for Urban Policy Research (CUPR), in the Yorktown Heights PDDOZ, approximately 49 school age children are projected to be added over the next ten years to the Yorktown Central School District. Development of the Yorktown Heights PDDOZ under the proposed rezoning are not anticipated to result in a negative impact to the Yorktown Central School District.

Residential construction is an economic engine for the local economy and provides some new job opportunities for residents as well as additional revenue for local governments. The total projected local taxes (one-time plus recurring) amounts to \$10,994,535. It is estimated that 71.77 percent of the \$10,994,535 estimated local taxes would go to the Yorktown Central School District, for a total of \$7,890,778, while approximately \$1,321,543 would go to the Town of Yorktown.

Based on this review of economic impacts, the proposed Yorktown Heights PDDOZ is expected to have a tax positive impact on the Town of Yorktown and the Yorktown Heights Central School District.

Development of the Yorktown Heights PDDOZ area under the proposed rezoning is not anticipated to result in a negative impact to the provision of emergency services, including police and fire protection and the provision of ambulance service.

#### TRAFFIC & TRANSPORTATION

The transportation system in Yorktown Heights is heavily influenced by the Routes 35/202 corridor, which turns 90 degrees at a traffic light in the northern portion of the hamlet. Based upon the information as presented in Attachment C of the Expanded FEAF, the *Traffic Element of Expanded EAF* prepared by TranspoGroup, dated November 2021, certain other improvements will be required to accommodate potential developments in the area even without the implementation of the proposed rezoning referenced herein.

The proposed rezoning is being analyzed under the provisions of SEQR as a Generic action, in other words an action such as a law, policy, or plan that pertains to a relatively large area, rather than a specific development site. From a traffic/transportation standpoint, the core question analyzed here is whether the proposed rezoning would lead to an increase in traffic that could significantly and adversely impact the transport system.

Following adoption of the proposed Overlay Zone District in Yorktown Heights, individual development applications in the future would be separate actions, and would be reviewed by the town's municipal boards to identify whether there is the potential for site-specific traffic impacts and if so how they can be reasonably mitigated. In the realm of traffic/transportation, this could involve issues such as changing the timing of existing traffic lights or adding new ones, ensuring a high-quality streetscape for pedestrians and cyclists, and ensuring that driveways and access for pedestrians are safe and well-designed.

The potential for traffic impacts was evaluated by determining the extent of any increase or decrease in the number of trips on the road system in and around the Yorktown Heights PDDOZ. The input for this analysis was the "Incremental Development" that would be incentivized by introducing the Yorktown Heights PDDOZ. The Incremental Development analysis is the net new development that takes into account both new development that would be built, and the removal of preexisting buildings to make way for the new development.

The results of the Trip Generation analysis show an overall decrease in trip-making during all periods studied due to the Incremental Development pattern that will decrease the square footage of commercial space in the Yorktown Heights PDDOZ. It should be noted that there is projected to be an increase in trip-making in comparison to the present day in which the K-Mart building is vacant. However, the actions that could cause this increase in travel would be site-specific development applications, not the rezoning action now being contemplated by the town.

Therefore, it is expected that site-specific SEQR analyses of individual development applications will determine the significance of potential transportation impacts from each development

application, and any required mitigation measures. By following this approach, Yorktown would maintain the ability to ensure that future development in Yorktown Heights does not adversely impact the transportation system through increased congestion or other impacts.

Based on this analysis of a decrease in overall trip-making on the roads in the vicinity of the Yorktown Heights hamlet from introducing the Yorktown Heights PDDOZ, it is concluded that the proposed action would not have significant adverse impacts on the operations of the transportation system.

The goal of the Overlay Zoning to promote a Complete Streets approach would be generally supportive of walking and cycling within the overlay zone.

The proposed Overlay Zoning legislation contains provisions designed to ensure that parking continues to be adequately provided by future real estate developments, while providing applicants with flexibility in how this is done. The Overlay Zoning's main change in numerical parking standards relates to residential uses, which would be reduced from 2.2 to 1.5 parking spaces per unit. In addition, the overlay zone would extend the use of conservation spaces and credit for nearby public parking to residential uses. This is intended to support residential-market segments that tend to have lower-than-average car-ownership levels and that will be located proximate to commercial uses, and is consistent with the Comprehensive Plan's theme of encouraging adequate but not excessive parking.

The parking provisions of the Overlay Zoning are anticipated to have generally positive impacts, as they are aligned with the policies and objectives expressed in the town's Comprehensive Plan. As with other issues relating to new development, site-specific review of development applications will ensure that parking issues are appropriately addressed.

In consideration of the foregoing, the Town Board has determined that the proposed zone change to approximately 17 acres of property in the Yorktown Heights hamlet will not create any significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, the Town Board issues this negative declaration.

The approved action is a zone change from underlying zone of R1-10, R1-20, RSP-2, C-1, C-2, and C-3 districts to those same districts plus the Yorktown Heights Planned Designed District Overlay Zone for the Town of Yorktown tax ID parcels as listed herein. Planning Board review will be necessary for Site Plan approval, and the project will be subject to site specific environmental review and all required permitting.