
ENVIRONMENTAL ASSESSMENT FORM (EAF) SUPPLEMENT

Annsville Waterfront Enhancement District Adoption of Annsville Waterfront Enhancement (AWE) District and Associated Town Zoning Code and Zoning Map Amendments



Town of Cortlandt, Westchester County, New York
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**EAF Supplement
Annsville Waterfront Enhancement District
Adoption of Zoning District and Associated
Town Zoning Code and Zoning Map Amendments**

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ATTACHMENTS

- A Proposed Town Zoning Code Amendments**
- B Full Environmental Assessment Form (EAF)**



1.0 BACKGROUND AND PURPOSE OF THE PROPOSED ACTION

The Town of Cortlandt seeks to revitalize the Annsville hamlet waterfront area by incentivizing the transformation of their historic corridor and gateway to the town from a highway-oriented and motor vehicle-oriented land use pattern into a more people-oriented destination where the natural, cultural, and scenic resources of the Annsville hamlet can be appreciated in a range of attractive and revitalized commercial, residential, and mixed-use settings.

The town recognizes this district has not developed into a vibrant waterfront district as envisioned in the town's comprehensive plan, and other town planning studies and programs, due in large part to lack of sewers, public water supply, waterfront trails and amenities and other infrastructure and community amenity needs. To address this shortcoming, a system of zoning incentives has been developed and a modification to the town zoning ordinance is proposed as it applies to the Highway Commercial District (HC) in the Annsville hamlet.

This proposed zoning is considered necessary and appropriate to advance policies toward the physical improvement of the Annsville area and advance town goals as expressed in the town comprehensive plan.



2.0 DESCRIPTION OF THE PROPOSED ACTION

Description of the Proposed Action

This proposed action involves the adoption of amendments to Chapter 307—Zoning, of the Town of Cortlandt Code to implement the development standards and design guidelines for the new Annsville Waterfront Enhancement (AWE) zoning district and a related amendment to the Town Zoning Map for the affected properties. The proposed zoning change is considered a Type 1 Action as it meets the criteria for classification as Type 1 action per the SEQR regulations (at 6 CRR-NY 617.4).

This document considers a set of revisions to the Town of Cortlandt Zoning Ordinance to establish a new zoning district to be limited to the area currently zoned Highway Commercial, which is essentially the land along the highway corridors surrounding the waterfront area of the Annsville hamlet (see Zoning Map proposed). This document then provides an analysis of the anticipated environmental impacts (both adverse and beneficial) of the establishment of this district.

Purposes of the AWE District. The proposed amendment will advance the following purposes:

1. Promote desirable balance of land uses along Annsville Creek, including commercial and water-dependent and water-enhanced business uses.
2. Encourage high-quality development, fitting for this important gateway to the Town.
3. Expand public access along the water's edge.
4. Support rehabilitation and protection of the natural resources of Annsville Creek.
5. Develop residential uses where such development advances the purposes set forth herein.
6. To encourage investment in infrastructure and other amenities that support smart growth of the area.
7. Provide expanded opportunities and incentives to secure affordable housing for Town residents.
8. Ensure consistency with Town's Comprehensive Plan and other local plans.

The proposed district provides a system of zoning incentives to advance the town's specific physical, cultural and social policies in accordance with the town's comprehensive plan and in coordination with other community planning mechanisms and land use techniques to secure a more vibrant, attractive, and sustainable district for the Annsville waterfront area.

Design Principles. The proposed zoning language includes a set of design principals intended to inform planning for new investment in the area. The design principals address the following topics that are intended to help advance the town's comprehensive plan mitigate potential adverse impacts. These topics include:

1. Design for a human scale.
2. Establish a physical and visual connection to the waterfront.
3. Create a scale of development that is appropriate for the setting.



4. Create a welcoming streetscape using traditional town planning and design elements.
5. Commercial development shall provide traditional “Main Street” design elements.
6. Design with nature in mind.

Design Guidelines. Design guidelines are provided in the proposed zoning amendment. The guidelines will help ensure projects add to the community character and fit the environmental setting.

Site Analysis Required. A site analysis is required for all applications seeking site plan review. The site analysis shall be conducted by a licensed design professional (professional landscape architect, architect or engineer) who shall illustrate the following existing site characteristics on a scale plan of the property for use by the planning board in considering the proposed development design.

Additional provisions are included in the design guidelines to help projects add to the community character and mitigate potential impacts. Site plan layouts are required to be designed to convey an attractive, waterfront setting, with views to the water and limited visibility of larger parking areas. Additional provisions to protect the environment include the following:

- a) Preserve large areas of natural waterfront landscape including existing mature trees where possible, to be incorporated into the site plan.
- b) At least 25% of the site should include pervious services, with landscaped and planted areas.
- c) Parking areas shall be located in the rear, side or under the building structure as much as possible, with limited side or front yard convenience parking provided as necessary and as approved by the planning board.
- d) The main public entry to the building shall face the public road unless building is on an internal lot without frontage on a public way, and shall be visibly apparent with the use of architectural features which accentuate its importance.
- e) Driveway access into the site shall be limited to a single curb cut wherever possible, or the minimum width and curb radius necessary to reasonably accommodate vehicles. Two access points may be permitted on a single parcel if shared cross access provisions are in place with adjacent property owners, employed using approved easements.
- f) Distances between curb cuts on US Routes 9/202 shall be maximized to the greatest extent possible, or combined into a shared driveway.
- g) It is recommended that new construction should orient buildings and rooflines to accommodate existing (or future) solar panel installations with direct southern exposures.

The guidelines also address other important elements inherently intended to reduce environmental impacts including:

- Site landscaping and plantings.
- Stormwater management systems.
- Pedestrian and Bicycle Access.
- Parking provisions and reduction of potential impacts.
- Architectural character.



- Building entrances, scale, massing and facade materials.
- Signs and exterior lighting.

Amenities and Zoning Incentives. A series of incentives have been included in the proposed zoning amendment provided to encourage investment in infrastructure and other amenities that support smart growth of the area. To be eligible for additional uses and dimensional bonuses provided for in the four sub-areas, applicants for must comply with a set of standards to ensure adequate infrastructure and design requirements are met.

The zoning incentives provide a set of allowable bonuses for height and/or density established in each of the four subdistricts. These include:

AWE-1 (Annsville Circle): Additional building height, not to exceed 70 feet maximum height.

AWE-2 (Properties on upland side of Route 9): Additional density up to a maximum of 15 units/acre total, and up to 4 stories and 50 feet in total height

AWE-3 (Properties fronting waterfront on east/south side of Route 9): Additional density up to a maximum of 15 units/acre total

AWE-4 (Properties fronting Albany post road) Additional density up to a maximum of 20 units/acre total, or Additional density up to a maximum of 40 units/acre total, and a maximum height of 5 stories and 55 feet (whichever is less) if proposed project includes the provision of a publicly accessible waterfront walkway, created through the dedication of a permanent public waterfront access easement or other acceptable instrument.

The bonus height or density increase may be granted to developments as an incentive for added investment in the AWE District and shall include a cash payment to the Town to be placed in a fund for municipal improvements within the AWE District, including but not limited to water and sewer, stormwater management, and flood control; sidewalk or waterfront walkway improvements. Any requested increase in density and or height shall be commensurate with the amenity or benefit provided.

The applicant can substitute a portion or all of required cash payment by providing public amenities including infrastructure improvements in the AWE district, supplemental to what is required to support the subject project. Buildings eligible for bonus height may be required by the Planning Board to incorporate setbacks and/or step-backs, or other measures to reduce visual impacts as appropriate.

Incentive Payment. Incentive Payment for additional residential density are scaled as follows:

- (a) \$5,000 per unit for each additional unit beyond the base scenario for projects greater than 5 and less than 10 units per acre
- (b) \$7,500 per unit for each additional unit beyond the base scenario for projects between 11 and 20 units per acre
- (c) \$10,000 per unit for each additional unit beyond the base scenario for projects between 21 and 30 units per acre.
- (d) \$15,000 per unit for each additional unit beyond the base scenario for projects greater than



30 units per acre.

(e) Fees would be waived for affordable units provided by proposed project. Waivers shall not exceed 40% of the total number of units. Example calculation: In 2-acre site in AWE-2, an applicant could build 10 units in the base scenario and 30 units with the incentive bonus, which would include the provision of 3 affordable units. The amenity payment would be for 17 additional units.

(2) Incentive Payment for additional commercial space. The amenity payment schedule is as follows for commercial uses:

(a) \$15,000 per additional 1,000 square feet of built area over the base scenario, calculated fractionally.

If the applicant proposes to substitute a portion or all of the cash payment with the provision of additional infrastructure or another public benefit within the district. In this instance, the application would be referred to the Town Board to determine whether the proposed amenity(ies) provided are commensurate with the required cash payment for the zoning incentive requested.

Waterfront Promenade. Provision for publicly accessible “waterfront promenade” is required for waterfront properties that propose to take advantage of the incentive zoning system. The promenade is intended to create a unique and beautiful waterfront passage parallel to Annsville Creek shoreline with minimal intrusion into the natural landscape, adding points of interest and design features which provide a continuity of interest and add to the economic value and attractiveness of the area. The promenade would be designed to fit the unique setting of individual properties and when completed, would advance a long-held town, county and regional goal of creating a contiguous greenway or Riverwalk along the Westchester County riverfront. The promenade should be approximately 10 - 15 feet wide, with drainage swales or buffers along either side.

The provision for the promenade is considered an important beneficial impact of the proposed zoning action.

The proposed action does not involve any physical development, but is limited to amendments of the town zoning ordinance and map; no physical changes in the Annsville area will occur, so that no impacts would result from the proposed action. In the future, as specific development applications in the AWE district are submitted, the lead agency and any involved agencies will evaluate the potential impacts of each proposal, as required by the state environmental quality review (SEQR) process.



3. ENVIRONMENTAL SETTING DISCUSSION AND ASSESSMENT OF POTENTIAL ENVIRONMENTAL IMPACTS

A full environmental assessment form has been prepared to assess potential environmental impacts from the proposed action (See Attachment). As evaluated herein, limited or no adverse impacts are expected from the proposed zoning amendments. Potential impacts that have been identified can be avoided, mitigated, and/or are considered minor. The following narrative discusses and evaluates potential impacts of the proposed action.

Overview. The Metro-North Railroad line along the Hudson River shoreline creates an artificial boundary between Annsville Creek and its historic hamlet—which provides a waterfront setting for the proposed Annsville Waterfront Enhancement District. Annsville hamlet currently is zoned highway commercial and is a gateway area into the town from NYS Route 9 and the Bear Mountain Bridge Road (NYS Route 202). The area contains a few commercial and industrial properties, some of which are either vacant or derelict and detract from the visual character of the area. This issue has been identified in various studies and grants to plan, design and implement enhancements.

The town’s comprehensive plan and ongoing local waterfront revitalization program initiative each have identified a common goal to create a new waterfront tourism-oriented gateway area for Annsville that allows water-dependent and water-enhanced uses and to link with the existing trails and recreational features that already exist in the gateway. Several projects have been completed in this gateway area including:

- The reconstruction of the existing Mobil Gas Station/Convenience Store with site appropriate architectural details, nautical themed improvements such as the rope guiderails and enhanced landscaping.
- Renovations and site improvements to Table 9 Restaurant.
- The relocation of the New York State Department of Transportation (NYSDOT) garage and the construction of the New York State Paddlesport Center. The center includes the rehabilitated former NYSDOT garage building into a kayak center with kayak rentals and lessons, a porous pavement parking lot, landscape improvements, and access to the Annsville Creek.

Coming from the north, one enters into Annsville from the Bear Mountain Bridge Road, which is listed on the National Register of Historic Places, and provides impressive views of the Hudson River and the Hudson Highlands. This area, includes a portion of the Hudson Highlands Gateway Park, (a collaborative effort that led to the land purchase for the park purchase by the Town, Westchester County and Scenic Hudson in 2000), and includes walking trails and scenic vistas. There is a cluster of heavier intensity commercial uses near the mouth of Annsville Creek including several highway oriented businesses and construction/landscape company/outdoor storage yards located along the waterfront corridor that do not contribute to the future land use goals of the town. vacant and underutilized properties,



Impact on Land

The proposed action will not have a significant adverse environmental impact on land.

The proposed action itself causes no direct physical changes to the land as it is a legislative act of the town. Recognizing that the area is currently zoned for highway commercial uses, the nature of the proposed new AWE district would not significantly change the type or magnitude of impact on land. Most of the area in the district is currently developed or otherwise disturbed through current uses. The proposed zoning provides and creates incentives for revitalization of existing sites to include building, site and landscape improvements that will add to the community character and built environment as set forth in the provisions of the Annsville Waterfront Enhancement zoning district.

The proposed zoning language includes extensive development design guidelines that address broad range of topics that will help protect land resources as properties are developed/redeveloped. Administration of the guidelines insure that potential impacts can be mitigated through the town's site plan review process for development/redevelopment of properties in the district.

Further, other town and jurisdictional agency requirements must be addressed including drainage system design, erosion and sedimentation controls, water supply, wastewater collection and management, etc. in conformance to applicable engineering and planning standards. The proposed uses are expected to provide a desirable mix of land uses that will provide beneficial impacts to land use and add to the community assets and will help advance the goals and objectives of the town comprehensive plan.

Impact on Water

The proposed action will not have a significant adverse environmental impact on water.

The proposed action is centered around the lands adjacent to the Annsville embayment (that is almost entirely separated from the Hudson River by the railroad corridor). The bay is fed by 3 streams including Peekskill Hollow Creek, Sprout Brook and Annsville Creek. There is an unconfirmed mid-yield (10-100 gal/min) aquifer directly north of Peekskill. There are no NYSDEC regulated mapped wetlands (typically wetlands of 12.4 acres in size or larger) in the project area. There are smaller bordering vegetated wetlands along portions of Annsville Creek shoreline mapped by the USFWS as part of the National Wetland Inventory.

The low-lying areas around Annsville Creek are within potential flood hazard zones as identified by flood hazard mapping. The town's code includes a chapter on flood damage prevention to help reduce and minimize potential and/or actual damages from flooding and erosion and future projects subject to the proposed action will need to be in compliance with the town's



code to ensure that adverse impacts are avoided and minimized.

The proposed action will have no direct impact on these water resources. It is expected that subsequent revitalization activities, which would be subject to required environmental review in the future, could potentially have a beneficial impact on water resources. The proposed action calls for increased landscaped areas and green spaces and will provide opportunities to preserve, stabilize, and restore natural shorelines and introduce trees, plantings, and naturalized stormwater management systems.

Further, the proposed action includes a set of incentives that will help advance provision of public sewer system improvements to the area including which would help reduce potential impacts to groundwater resources related to septic systems that would not be required with the extension of public sewers.

The town code and state regulations require that development must properly control stormwater and prevent erosion and sedimentation during construction and no significant adverse impact on water is expected.

Impact on Air

The proposed action will not have a significant adverse environmental impact on air resources.

Commercial and residential uses typical for the district are not generally considered to be significant generators of potentially toxic or hazardous air emissions. No large or significant impact to air resources was identified.

Implementation of the proposed action could potentially have a beneficial impact on air resources. Making the area more pedestrian friendly will encourage people to walk, rather than drive, between destinations in the study, thereby reducing automotive emissions.

Impact on Plants and Animals

The proposed action will not have a significant adverse environmental impact on plants and animals.

The area of the proposed action is predominantly cleared of natural or naturalized vegetation. The shoreline corridor is an area that is subject to the design guidelines and includes requirements for the preservation of existing vegetation/planting of new/additional vegetation which will be a beneficial impact to plants and animals.

The subject area is in the state Coastal Area and is the Hudson Highlands Significant Coastal Fish and Wildlife Habitat area and is part of the Hudson River estuary a tidal river habitat. The Hudson River estuary is a productive and globally-significant water body, supporting important



population of fish and wildlife, as well as rare communities and plants. The Town of Cortlandt lies toward the lower reach of the Hudson River estuary and this reach of river supports a variety of marine, brackish, and freshwater communities including spawning migratory and nursery habitat for anadromous, estuarine, and freshwater fish, important winter feeding and roosting areas for the bald eagle and globally and regionally rare brackish and freshwater tidal communities and plants.

Annsville Creek area includes important/rare habitat and significant natural communities including brackish intertidal mudflats.

The proposed action is compatible with the goals and policies of these programs and there is no adverse impact anticipated from the adoption of the proposed zoning amendment to these resource areas. The proposed action is intended to recognize and be protective of any fish and wildlife habitats and that any projects developed subsequently would need to ensure these habitat areas are protected.

Impact on Agricultural Land Resources

The proposed action will not have a significant adverse environmental impact on agricultural land resources.

There is no active agricultural property in the study area.

Impact on Aesthetic Resources

The proposed action will not have a significant adverse environmental impact on aesthetic resources, but rather seeks to improve aesthetic resources in Annsville.

A statewide area of scenic significance (SASS), the “Hudson Highlands” SASS, covers the northern portion of the town including the Annsville area. The proposed action advances the purpose of the SASS and includes provisions that incentivize ways to improve the aesthetics of the study area through attractive new mixed-used developments and related streetscape improvements that follow traditional main street design guidelines.

The proposed zoning encourages the establishment of areas that take advantage of and enhance the existing aesthetic resources. Over time, the goal would be to replace the unattractive construction related and outdoor storage and vehicle storage uses with more aesthetically pleasing commercial and residential/mixed uses that take advantage of and add to the waterfront character of Annsville.

The proposed action includes incentives for an attractive, landscaped waterfront promenade that would add to the visual quality and amenities of the area.



Impact on Historic and Archeological Resources

The proposed action will not have a significant adverse environmental impact on historic and archaeological resources.

Based on a review of the New York State Office of Parks, Recreation and Historic Preservation's Cultural Resources Information System, there are no sites in the immediate project area listed on the National Register of Historic Places. Future development or redevelopment of sites subject to review by the town in the area of the proposed action will include a review and consideration for the presence and of and potential impacts on historic and archaeological resources. The potential for presence of these resources will be evaluated and assessed, and potential adverse impacts would be mitigated.

Impact on Open Space and Recreation

The Proposed Action will not have a significant adverse environmental impact on open space and recreation resources.

The proposed action creates incentives to provide publicly accessible open space via a waterfront promenade as part of future development projects. This is considered a beneficial impact.

Impact on Critical Environmental Areas

The proposed action will not have a significant adverse environmental impact on critical environmental areas (CEAs).

Westchester County CEA's in/near the project area include County and State parklands and the Hudson River shoreline areas. There is no impact on these CEA's with the adoption of the proposed amendment to the town zoning ordinance.

Impact on Transportation

The proposed action will not have a significant adverse environmental impact on transportation.

Recognizing that the proposed zoning action does not create any direct traffic impact, and the fact that extensive traffic impact analysis and mitigation can appropriately addressed for any particular project on a site-specific basis, there is not expected to be any potential additional traffic impact from the proposed zoning amendment.

The proposed zoning provides for additional potential for development of multi-family residential uses which is currently not permitted in the existing HC district. While there may be



potential for additional traffic associated with increased residential development, it is not expected to be significantly greater than the potential traffic that could be generated by uses that are currently permitted in the HC zoning district.

From a traffic generation perspective—large-scale retail uses that are permitted in the highway commercial (HC) district would potentially generate several times the average daily traffic generated by a multi-family residential development at the maximum density permitted by the proposed new AWE district. Hence, there is not expected to be any additional traffic impact for the proposed zoning change in relation to the potential traffic impact under the existing zoning conditions. Further, as any multi-family or mixed use project would require site plan review and review under the provisions of the AWE district, the planning board would require a complete traffic impact analysis.

Such analysis would typically include a traffic impact review in accordance with the recommended guidelines and practices outlined by the Institute of Transportation Engineers (ITE) and as further supplemented by a specific scope of work developed by the town review agency. Traffic analysis requirements would include any appropriate site and project-specific research including but not limited to field study traffic data collection, determination of existing and expected traffic volumes and timing of traffic flows, intersection capacity analysis, evaluation of pedestrian and bicycle traffic facilities and needs, transit service requirements, parking requirements and other procedures to determine the capacity of existing facilities, and any required improvements or other appropriate mitigation measures.

Such work would be overseen by town professional staff and town consultants as necessary and would include such traffic analysis and mitigation recommendations be performed by a professional engineer qualified for traffic and transportation facility design licensed in the State of New York.

Impact on Energy

The proposed action will not have a significant adverse environmental impact on energy. The design guidelines in the proposed ordinance includes lighting guidelines to ensure adequate illumination without excessive lighting which can reduce energy use, glare, and night sky pollution. New construction is required to comply with the current building codes which include higher standards for energy conservation and efficiency as compared to older methods of construction and building system operations.

Town of Cortlandt been one of seven communities to be one of the original climate smart communities in New York State. Future projects subject to environmental quality review by the town must demonstrate adherence to Climate Smart Community Principles, which have a major focus on reducing impacts to energy resources and reduction of emissions of greenhouse gasses.



The inclusion of improved facilities for pedestrians and bus transit as part of the design guidelines is expected to encourage reduction in use of automobiles and a related reduction in energy use.

Additionally, the new buildings will be new construction, and therefore will need to comply with current energy efficiency codes and utilize more efficient heating/cooling and lighting systems. Moderate or large energy related impacts are not expected from the proposed zoning code amendments.

Noise and Odor Impact

There will be no noise or odor impact as a result of adopting the AWE.

Any future site-specific project would likely require an additional environmental review process, and would address any potential noise impacts at that time. At this time, no specific projects are proposed that would be anticipated to involve noise or odors.

Impact on Public Health

The proposed action will not have a significant adverse environmental impact on public health.

Setting forth short-term and long-term goals for increasing pedestrian connections would be a beneficial impact leading to improved public health.

Impact on Public School Enrollment

The proposed action will not have a significant adverse environmental impact on public school enrollment.

The proposed zoning provides for additional potential for development of multi-family residential uses which is currently not permitted in the existing HC district. There is not expected to be a significant adverse impact due to increased enrollments due to the potential for additional multi-family residential uses.

Annsville is located in the Lakeland Central School District, which serves areas within the towns of Yorktown, Cortlandt and Somers in Westchester County. In consideration of the small area of the AWE district, the number of potential new residential multi-family units would be in the range of approximately several hundred units, depending on the incentive requested for each site. The potential increase in the number of school-aged children potentially residing in the AWE district due to the potential multi-family development is not expected to be an issue for the school district given the declining enrollment at Lakeland CSD. Enrollment has dropped 622 students – a decline by almost 10% since 2013. Birth rates for Westchester have been declining since 2000 and this has relieved school enrollment pressure for many school districts. The



number of public school children anticipated to be generated in the district from the proposed zoning change would be only represent a small percentage of the actual decline in the enrollment for the district. Hence, the multi-family uses allowed by the AWE district may help offset some of the enrollment decline in the school district, and as a result, this is considered a potential beneficial impact of the rezoning to help offset declining enrollments in the district.

Impact on Growth and Character of Community and Neighborhood

The proposed action will not have a significant adverse environmental impact on growth and community character, but rather would provide a beneficial impact as discussed.

The proposed action re-affirms the goals outlined in the town's comprehensive plan for improving the character of the community. Adopting and implementing the AWE will align the town zoning code with the goals of the town comprehensive plan and will create incentives to improve the character of the Annsville hamlet.

The potential growth and development was scaled to fit into the natural characteristics of the area including consideration of increased heights of buildings that would complement and be compatible with the rock cuts and taller hillsides of the area. The AWE district is expected to improve how growth can reasonably accommodated through development design standards.



4. SEQR DETERMINATION OF SIGNIFICANCE AND REASONS SUPPORTING THIS DETERMINATION

Based on the EAF Parts 1 and 2, and this EAF Supplement, moderate or large scale impacts are not expected from the proposed action considering the zoning and development standards and controls that are in place and are proposed.

Overall, in summary, the proposed action by the Town of Cortlandt Town Board to adopt the AWE district will not have a significant adverse impact on the environment and the preparation and circulation of a negative declaration confirming the same is recommended.



Attachments—
Environmental Assessment Form and
Proposed Annsville Waterfront Enhancement
District amendment to town zoning ordinance.

