

**RESOLUTION**

**NUMBER 263-21**

NEGATIVE DECLARATION  
Notice of Determination of Non-Significance

Date: October 19, 2021

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

The Town of Cortlandt Town Board has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Amendments to the text of Chapter 307 of the Code of the Town of Cortlandt and Development of an Active Adult Residential Community at 119 Oregon Road

Applicant: NRP Group, LLC

Owner: Terrace Management, Inc.

Description of Action: The proposed action would amend the Town of Cortlandt Zoning Ordinance to include a definition of the term "Active Adult Residential Community", updates to the Table of Permitted Uses and the Table of Off-Street Parking Spaces, and a provision to allow such use in the Community Commercial ("CC") Zone pursuant to a Special Permit from the Planning Board of the Town of Cortlandt.

The proposed action would also construct a three-story, 135-unit active adult residential rental community at 119 Oregon Road (the "Project"). The Project will be age-restricted for active adults (55 and older for heads of household) with all affordable units, serving individuals with mixed incomes.

SEQR Status: Type I \_\_\_\_\_ Conditioned Negative Declaration? \_\_\_\_\_  
Yes  
Unlisted  No

Location of Action: Town of Cortlandt, Westchester County

Street Address: 119 Oregon Road, at southeast side of intersection of Oregon Road with Eton Downs Road

Tax Map Parcel(s) No.: Section 23.11, Block 1, Lot 12 (Location Map attached)

The Following documentation was analyzed in making this negative declaration:

- Full Environmental Assessment Form (Long Form EAF)
- Verified Petition for Zoning Text Amendments prepared by Zarin & Steinmetz

- Supplemental Part III Information entitled “Overlook Terrace, Expanded Environmental Assessment Form”, dated June 2021, including the following supplemental studies:
  - Stormwater Pollution Prevention Plan (SWPPP) prepared by Divney Tung Schwalbe, LLP, dated June 2021
  - Tree Inventory, prepared by Bartlett Tree Experts, dated June 4, 2021
  - 16-page drawing set prepared by Divney Tung Schwalbe, LLP entitled “Overlook Terrace, Site Plan Application Drawings” last revised June 23, 2021
- Supplemental submission prepared by Divney Tung Schwalbe, LLP, including the following:
  - Responses to traffic and parking comments, prepared by Provident Design Engineers, dated August 19, 2021
  - Responses to comments from Michael Preziosi, Director of Technical Services (DOTS), prepared by Divney Tung Schwalbe, LLP, dated August 19, 2021
  - Responses to comments from Chris Kehoe, Deputy Director DOTS Planning Division, prepared by Divney Tung Schwalbe, LLP, dated August 19, 2021
  - Responses to SWPPP comments from HVEA, prepared by Divney Tung Schwalbe, LLP, dated August 19, 2021

Name of Action: Overlook Terrace

For Further information

|  |                                  |
|--|----------------------------------|
| Contact Person: Chris Kehoe, AICP, Planning Director | Laroue Rose Shatzkin, Town Clerk |
| Town Hall  | Town Hall                        |
| 1 Heady Street                                       | 1 Heady Street                   |
| Cortlandt Manor, NY 10567                            | Cortlandt Manor, NY 10567        |
| 914-734-1081   | 914-734-1021                     |

REASONS SUPPORTING THIS DETERMINATION:

(see 617.7(c) for requirements of this determination:

Implementation of the proposed Amendments to the text of Chapter 307 of the Code of the Town of Cortlandt is consistent with the Town’s 2016 Sustainable Comprehensive Plan, *Envision Cortlandt*, including the established goal to “create a wide range of housing choices throughout the Town that provide for the needs of an increasingly diverse population throughout all life stages.” (*Envision Cortlandt* at 50). Furthermore, one of the main policies established in *Envision Cortlandt* is to “[r]evise zoning to allow a mix of uses including residential in commercial zoning districts.” (Id. at 51). The proposed Amendments and Project are in keeping with *Envision Cortlandt*, which states “Cortlandt’s housing policies seek to sustain a full range of socioeconomic diversity while addressing the issues of housing availability, and accessibility for all members of the community. Residential development trends and demographics point toward an increased need for a broad range of housing to serve a varied range of incomes, ages, and family types and meet the needs of residents of all abilities in all life stages. While the Town continues to be dominated by single-family homes, the demand for multi-generational and housing options with a range of pricing is increasing. (Id. at 46).

(a) Environmental issues identified as relevant for the development of the Site:

1. Impact on Land
2. Impact on Plants
3. Impact on Aesthetic Resources
4. Impact on Transportation
5. Impact on Energy
6. Impact on Sanitary Sewers

(b) Analysis of the issues identified and elaboration of the basis and reason for this determination that there will not be a significant impact on the areas of the environment identified in Section (a).

1. Impact on Land: The property was previously disturbed and developed with a longstanding catering and function hall facility that contains structures, parking lots, landscape areas and associated infrastructure. The proposed Project requires the disturbance of approximately eight (8) acres of the 8.7-acre site to remove the existing improvements and to construct a proposed building, entry driveway, parking areas and infrastructure. An additional approximately 0.25 acres of off-site improvements to reconfigure paved areas and install grass is also proposed along a portion of Donnelly Place to improve traffic operations. Approximately 1.4 acres of regulated steep slopes (greater than 15%) will be disturbed for the construction of the building and parking areas. Approximately 0.8 acres of new steep slopes would be created. The disturbed area at the rear of the site will slope down to a proposed retaining wall and will be planted with shrubs selected for their erosion control characteristics. A physical connection to the road network to the south will be eliminated and a buffer to the neighboring community enhanced. Slopes greater than 3H:1V will be stabilized with erosion control matting, blanketing, and planting.

A Stormwater Pollution Prevention Plan (SWPPP) complying with the Town Code Chapter 262: Stormwater Management and Erosion and Sediment Control will be reviewed and approved for the site prior to construction. An initial SWPPP has been submitted and has been reviewed by the Town Engineer and site-specific details will be addressed as part of the Site Development Plan approval process. A stormwater management plan and erosion and sediment control measures will be implemented as mitigation to control stormwater runoff quality and quantity to prevent erosion and to provide soil stabilization during and after construction. Therefore, no significant adverse environmental impact on the land is expected.

2. Impact on Plants: A tree report and inventory was completed by the Town's arborist. The Applicant is proposing to remove approximately 287 regulated trees as part of the Project. Approximately 113 trees identified in the arborist inventory, (excludes trees in the inventory that are on the adjacent residential parcel not on the Project site), would remain. The proposed building and parking areas have been located within the portion of the Site at distances from Oregon Road and The Overlook comparable to the existing Colonial Terrace structure and primary parking lots. In order to construct the Project so that all parking is located adjacent to the building, the area of the proposed improvements would undergo re-grading and existing trees within the limit of disturbance will be

removed.

The Applicant proposes a landscape plan that includes the planting of a number of evergreen and deciduous trees throughout the site, along with foundation and accent planting around the proposed building. The proposed northwest bioretention basin will be planted with native trees, shrubs and grasses. The proposed northeast stormwater pond will be planted with native grasses and shrubs as well as a stormwater basin seed mix. The rear slope area will be planted with native shrubs selected for their colonization and erosion control characteristics. Larger caliper trees will be planted along the main entry drive from Oregon Road. To the extent practicable, existing trees will be maintained along the periphery of the site along Eton Downs Road and The Overlook, located on the western side and southern side of the site, respectively. The Applicant will work with the Town to evaluate the existing landscape buffers and potential mitigation along Eton Downs Road including vine cutting, cutting/stumping dead or pioneer plants and removal of invasive understory plants. Using a combination of primarily native shade, ornamental, understory and evergreen trees, and deciduous and evergreen shrub planting, the proposed planting plan is expected to meet the Town's required tree mitigation planting. If the requirement cannot be achieved with onsite planting, a combination of planting and fee in lieu of planting will be used to meet the Town's requirement. The proposed planting plan and plant list will be reviewed by the Planning Board and Conservation Advisory Council during the site plan application review process. In light of the mitigation measures proposed, no significant adverse environmental impact on plants, trees and vegetation is expected.

3. Impact on Aesthetic Resources: The proposed Project will result in the demolition of the existing catering facilities and site improvements and the construction of a new three-story active adult residential rental community. The Applicant proposes an attractive tree-lined entry drive featuring new plantings and to incorporate elements of the Colonial Terrace history into the Project. The proposed building will feature architectural design elements characteristic of residential buildings throughout the Town of Cortlandt area including gabled main roofs with front-facing cross-gables, decorative moldings and details, symmetrically placed multi-pane windows, and alternating brick and siding materials in neutral colors. The site-specific building architecture will be reviewed by the Planning Board and the Architectural Advisory Council as part of the Site Development Plan review process. Accordingly, no significant adverse visual or aesthetic impacts from the Project are expected.
4. Impact on Historic Resources: The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) reviewed the Project, including the demolition of the existing Colonial Terrace facility and proposed new construction, and stated in an April 14, 2021 correspondence that, "it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project." The Applicant proposes that photographs of the Colonial Terrace facility from the current owners will be displayed within common areas of the proposed Overlook Terrace for future residents and guests to view. No significant adverse environmental impacts on historic resources

are anticipated.

5. Impact on Transportation: A traffic impact study was prepared for the Project and reviewed by the Town's traffic consultant. The Project is conservatively estimated to generate 38 Peak AM Hour trips and 47 Peak PM Hour trips. The trip generation rates were estimated using Institute of Transportation Engineers (ITE) trip generation rates and further verified with actual traffic counts performed at Jacobs Hill Apartments, which is a similar use in the area. The analysis is additionally conservative by not applying any credit to account for the potential trip generation of the existing as-of-right use, which has the potential to generate significantly higher trip rates during catering events. Levels of Service were projected to be maintained from No-Build to Build conditions. Emergency access is proposed from a connection on Eton Downs Road.

Further consideration of the Eton Downs Road driveway for use as exit only (non-emergency) and improvements to the pedestrian connections adjacent to and near the site will be addressed by the Planning Board during the Site Development Plan approval process. It is noted that there is a potential benefit to allowing full ingress and egress at the Eton Downs access to allow more direct access to Proposed Project-generated traffic that is destined to or originating from Eton Downs Road to the south. The Applicant is committed to providing any access up to full movement access as ultimately deemed necessary as part of the Site Development Plan approval process to still be undertaken with the Planning Board. Any modification to the access scheme does not materially affect the findings of the traffic study. An existing 75-foot-wide roadway dedicated to the Town of Cortlandt, extending from the Oregon Road frontage approximately 245 feet into the center portion of the Site, will revert to the Applicant as part of the Project.

The Applicant's Traffic Impact Study concluded that no significant adverse traffic impacts are expected for the adjacent roadway network, including the intersection at Oregon Road and Eton Downs Road / Pumphouse Road / Heady Street and the Study was reviewed and its conclusions confirmed by the Town's traffic consultant.

The Applicant is aware that a pedestrian crossing does not exist along this portion of Oregon Road and a crossing would be beneficial for existing pedestrians in the area, as well as pedestrians anticipated from the proposed Project to cross to/from the sidewalk on the north side of Oregon Road, as well as to access the Bee Line Bus Stops. The Applicant is willing to voluntarily provide a financial contribution up to \$60,000 to be used for the design of a scope of work or for preferred improvements at the intersection of Oregon Road/Eton Downs/Heady Street/Pumphouse.

In addition, the Applicant is aware that pedestrian crossings do not currently exist along this portion of Oregon Road or Pumphouse Road and that crossings would be beneficial for existing pedestrians in the area, as well as pedestrians anticipated from the proposed Project to cross to/from the sidewalk on the north side of Oregon Road, along the sidewalk on the north side across Pumphouse Road, as well as to access the Bee Line Bus Stops. The Applicant proposes to utilize the existing traffic infrastructure to install a pedestrian crosswalks, curb ramps and pedestrian crossing signals just east of Eton

Downs and across Pumpouse Road. In the event it is later determined that the existing infrastructure cannot accommodate a pedestrian crossing signal, the Applicant proposes to provide a payment in lieu, in the form of a financial contribution up to \$50,000, for the Town to escrow to fund the construction of the planned pedestrian crossing. This payment in lieu of would be in addition to the financial contribution of \$60,000.

The Applicant has agreed to fully cooperate with the Town to obtain additional sources of funding available to improve the intersection of Eton Downs, Heady Street, and Pump House Road, which could be available due to this Project meeting Westchester County's guidelines for affordable housing. Potential sources of funding include the Westchester County Housing Implementation Fund. Cooperation includes entering into an Intermunicipal Development Agreement ("IMDA") if necessary to obtain the funding.

It is not expected that the Project would result in significant adverse environmental impacts on transportation.

6. Impact on Energy: The Applicant is pursuing LEED-Homes v4 certification for the Project and will pursue financial incentives under the NYSERDA program – New Construction Housing (PON 4337). As a part of this incentive program, the Project will certify with the ENERGY STAR Multi Family New Construction program. Key energy-efficient design features of the all-electric development include highly efficient HVAC and hot-water heating mechanical systems, electric cooking ranges in all apartments, and electric washers and dryers. The Project will also include low-flow water fixtures and a high-performing building envelope. Solar photovoltaic systems will be installed on the roof to offset the electricity demand for the property. Accordingly, no significant adverse environmental impacts related to energy use by the Project are expected.
7. Impact on Sanitary Sewers: The Applicant evaluated the existing downstream sanitary sewer mains within the Waterbury Sewer District which included monitoring sewer flows for a 4-week period, inspecting the sewer manholes and evaluating the capacity of the sewer mains to accommodate an increase in sewer flows. While the Project may generate an additional approximately 19,250 gallons per day (gpd) of sanitary flow into the sewer mains, the sewer system has capacity to accommodate the additional flow. The final sewer connections to the sewer system will be coordinated and reviewed with the Town's Engineering Division of the Department of Technical Services as part of the permitting process for the Project. The Westchester County Peekskill Water Resource Recovery Facility and Peekskill Trunk Sewer has a permitted flow of 10.0 million gallons per day (MGD) with an annual average daily flow of approximately 6.5 MGD would have sufficient capacity to accommodate the proposed flow from the Project. No significant adverse environmental impacts on sanitary sewers are anticipated.

Based on a review of 6NYCRR 617.7, and having taken a hard look at all potential adverse environmental impacts, and having evaluated the proposed mitigation measures, there appear to be no significant adverse environmental impacts as a result of the proposed amendments to the Zoning Ordinance and the Project.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF CORTLANDT HELD ON OCTOBER 19, 2021.

Linda D. Puglisi, Town Supervisor  
*Linda D. Puglisi*

Date 10/20/21

APPROVED  
TOWN ATTORNEY  
Date: 10/26/21  
*[Signature]*

Certified Copy  
10/28/21 Date  
*[Signature]*  
Town Clerk and Registrar