

VILLAGE OF BUCHANAN RESOLUTION
DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE
ON PROPOSED ZONING TEXT AND MAP AMENDMENTS TO C1/C-2
OVERLAY DISTRICT FOR THE DEVELOPMENT OF UNIMPROVED PROPERTY
LOCATED ON ALBANY POST ROAD (AND ALSO KNOWN AND DESIGNATED
ON THE TAX MAP OF THE TOWN OF CORTLANDT AS SECTION 43.16, BLOCK 3,
LOTS 16 AND 16A AND SECTION 43.20, BLOCK 2, LOT 2) AND AUTHORIZING
ADOPTION OF LOCAL LAW NO. 7-2023 AMENDING CHAPTER 211 AND
CHAPTER 203 TO THE CODE OF THE VILLAGE OF BUCHANAN.

Introduced by: _____

Seconded by: _____

Dated: _____

WHEREAS, on or about January 10, 2023, representatives of Buchanan Dev AMS LLC (the “Applicant”) did submit a facially complete petition to the Village of Buchanan Board of Trustees (the “Village Board”) for an amendment to the zoning map of the Village of Buchanan and amendments to the Zoning Code of the Village of Buchanan generally affecting the C-1/C-2 Overlay Zoning District (the “Proposed Zoning Amendments”); and

WHEREAS, Article XII, Section 211-53 of the Code of the Village of Buchanan provides for the process and procedures for amendments to the Village's Zoning Code, and the Applicant did provide a draft of the Proposed Zoning Amendments along with other supporting documentation; and

WHEREAS, in relation to the Proposed Zoning Amendments the Applicant also seeks from the Village Board, a special permit to allow for the application of the C-1/C-2 Overlay District to the Subject Site, and a site plan approval for the redevelopment of the Subject Site for multi-family residential development, (collectively with the Proposed Zoning Amendments, the “Proposed Action”); and

WHEREAS, on January 24, 2023, at a regularly scheduled meeting of the Village Board, the Board did review and discuss the proposed zoning revisions and did declare their intent to act as Lead Agency as required by the State Environmental Quality Review Act (“SEQRA”) and did circulate the Proposed Zoning Amendments and other supporting documentation to a list of identified Interested and Involved Agencies; and

WHEREAS, on March 7, 2023, after the required time had passed and having received no objection to their being Lead Agency from the other Interested and Involved Agencies, Village Board did declare themselves Lead Agency and did discuss the prospective contents of an Expanded Environmental Assessment Form (EAF) to be provided for the Village Board’s consideration; and

WHEREAS, on April 20, 2023, the Applicant submitted an Expanded EAF with supporting documentation related to the Proposed Action which was reviewed by the Lead Agency at their April 25, 2023 work session, at which time the Village Board after review did request additional information

to supplement the Expanded EAF; and

WHEREAS, the Applicant did submit a revised Expanded EAF responding to the comments from the Village which was reviewed at the Village Board’s May 2, 2023 meeting and was subsequently accepted for circulation and public comment and a public hearing scheduled for June 6, 2023; and

WHEREAS, as required by Section 211-54 of the Village Code, the Expanded EAF was circulated to the Planning Board and the Planning Board at their May 25, 2023 meeting did discuss the Proposed Action and provided their comments to the Village Board; and

WHEREAS, a public hearing was held on June 6, 2023 in which all members of the public were invited to be heard and were and the Village Board adjourned the public hearing until their next regular meeting on July 5, 2023 at which time the Village Board closed the public hearing but left open a written comment period for a minimum of 10 days during which time the Village received no additional comments; and

WHEREAS, at its July 25, 2023 work session the Village Board did receive the following: cover memo from the Applicant with written responses to substantive comments raised during the public review period; updated Natural Resources Report; draft EAF parts 2 and 3; and

WHEREAS, on September 5, 2023 the Village Board did review the entirety of the environmental record; and

NOW, THEREFORE, BE IT RESOLVED, that the foregoing WHEREAS clauses are incorporated herein by reference and are fully adopted as part of this approval; and be it further

RESOLVED, that the Lead Agency makes the following findings after having fully considered the environmental review record and supporting documentation, and having considered the preceding written facts and conclusions relied upon to meet the requirement of 6 NYCRR 617.7 and 617.11, the Village Board determines after a review of Expanded EAF with supporting materials, EAF Part 2 supported by the EAF Part 3 with accompanying narrative and all the other supporting information that while the Proposed Action may have some small to moderate impacts to the environment, those impacts have been mitigated to address identified impacts and does hereby make a Negative Declaration under SEQRA that the Proposed Action will result in no significant adverse impact to the environment.

Upon Roll Call Vote

Mayor Theresa Knickerbocker _____

Trustee Anthony Capicotti _____

Trustee Steven Laker _____

Trustee Daniel Stewart _____

Trustee Robert Wheeler _____

Vote: Resolution carried by a vote of _____ to _____.

to

STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

I, CYNTHIA KEMPTER, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held September 5, 2023.

Cynthia Kempter, Village Clerk

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 7 OF THE YEAR 2023
AMENDING CHAPTER 211 ENTITLED ZONING AND CHAPTER 203 ENTITLED
WETLANDS TO THE CODE OF THE VILLAGE OF BUCHANAN**

Section One: The following subdivision “F” shall be added to Chapter 211.24.1 of the Village Zoning Code to read as follows:

§211.24.1- C-1/C-2 Overlay District

F.

Notwithstanding anything to the contrary contained herein, in the C-1/C-2 Overlay District, the Board of Trustees shall be the approving agency for special permits and site development plans for uses listed in the "Schedule of Use Regulations, § 211-10 Column 3A Uses by Special Permit of the Board of Trustees" in which case the same requirements and procedures set forth in this chapter for the Planning Board shall be applicable to the Board of Trustees. Any application to the Board of Trustees made pursuant to this section shall be referred to the Planning Board for its recommendation to the Board of Trustees prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of such referral, the Board of Trustees may act without such report. If the Planning Board recommends against the proposed special permit and/or site development plan, the Board of Trustees shall not act contrary to such recommendation, except by the adoption of a resolution fully setting forth the reasons for such contrary action.

Section Two: Section 211-10 “Schedule of Use Regulations” Attachment 1 shall be amended to read as follows:

Column 3A entitled “Uses by Special Permit of the Board of Trustees” shall be added to read as follows:

One and two-bedroom multifamily apartment dwellings on parcels of land not less than 4 acres, provided that each dwelling unit contains a minimum of 750 square feet with a maximum of 28 units per 40,000 square feet (prorated), and that the building height does not exceed 65 feet and 5 stories, subject to compliance with 211-24.1. Notwithstanding the above, at the sole discretion of the Village Board, a number of dwelling units not exceeding 20% of the total, may be three-bedroom units.

Column 5 entitled “Minimum Off-Street Parking Spaces” shall be amended to read as follows:

Same as C-2, except for multifamily apartment dwellings on parcels of land not less than 4 acres; 1.5 parking spaces per dwelling unit.

Section Three: Section 211-7 entitled “Zoning Map” shall be amended to rezone the portion of the unimproved property located on Albany Post Road, designated on the tax map of the Town of Cortlandt as Section 43.16, Block 3, Lots 16 and 16A and Section 43.20, Block 2, Lot 2 located in the M-1 Light Industrial District to the C-2 General Commercial District and C-1/C-2 Overlay Zoning District.

Section Four: § 203-10 “Applicability; more restrictive standards to apply” shall be amended to read as follows:

A. The requirements of this chapter shall not apply to any work shown on construction drawings or improvement plans for subdivisions or site plans approved by said Planning Board or the Village Board of Trustees, as applicable.

Section Five: This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Planning & Development Advisors



Creating value by unlocking opportunities

August 28, 2023

To: Hon. Theresa Knickerbocker, Mayor and
Board of Trustees

From: David B. Smith

Re: Status - AMS Broadway

Cc: Marcus Serrano, Administrator
Stephanie Porteus, Village Attorney
Cindy Kempter, Village Clerk

Summary

At your July 25, 2023 meeting the Village Board was presented with several documents: written responses to substantive comments raised during the public comment period; EAF Parts 2 and 3 and Part 3 Narrative. As noted in our cover memo dated July 24th from this office, the next step in the process is to make an environmental determination of significance. In making a legally sound Determination of Significance, the Lead Agency must:

1. Identify all relevant environmental impacts;
2. Thoroughly analyze the potential impacts; and
3. Provide a written explanation of its reasoning in concluding that the Proposed Action may cause, or will not cause, significant adverse environmental impacts.

The Expanded EAF, as updated throughout the process, addresses items 1 and 2 above. The EAF Part 3 Narrative addresses item 3. The EAF Part 3 Narrative goes into specific detail covering each impact area included in the EAF Part 2. Based on the extent of the environmental record prepared to date, it would appear that the Village Board could make a determination of no significant impact on the environment related to the Proposed Action. Accordingly, a draft resolution has been prepared for your consideration. The issuance of a Negative Declaration allows for the Village to formally adopt the proposed zoning text amendments and map amendment for official filing with New York State.

It would then become incumbent on the Applicant to prepare the formal special permit application and site plan documents for submission to the Village Board, who as a result of the proposed zoning would issue the special permit and then the site plan. As noted during our discussions on this matter, there will be a statutorily required referral to the Planning Board for their review and recommendations. At some point in the process, both Boards may want to entertain a joint work session where they could collaborate together on the review process.

Should you have any questions on the above or attached please do not hesitate to reach out.

101 Lee Avenue
Yonkers, New York 10705
914.552.8413 |
email: davidbsmith1992@gmail.com

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project : AMS Buchanan
 Date : _____

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>		
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>		
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>		

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: beneficial impacts - sidewalks and crosswalk. _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Project : AMS Buchanan

Date :

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 Attachment A for reasons supporting the Lead Agency's determination of significance (Negative Declaration).

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

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Village of Buchanan Board of Trustees _____ 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: AMS Buchanan

Name of Lead Agency: Village of Buchanan Board of Trustees

Name of Responsible Officer in Lead Agency: Theresa Knickerbocker

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Marcus Serrano, Village Administrator

Address: 236 Tate Avenue

Telephone Number: (914) 737-1033

E-mail: mserrano@villageofbuchanan.com

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>

PRINT FULL FORM

PROPOSED ACTION

Buchanan Dev AMS LLC (“Applicant”) is the contract vendee of the unimproved property located at the corner of Craft Lane and Albany Post Road in the Village of Buchanan, New York (the “Village”), also known and designated on the tax assessment map of the Town of Cortlandt (the “Town”) as Section 43.16, Block 3, Lots 16 and 16A, and Section 43.20, Block 2, Lot 2 (collectively, the “Project Site”).

The Applicant proposes to develop the Project Site with a five-story, 148-unit multi-family residential building comprised of one- and two-bedroom dwellings, as well as residential amenities and parking (the “Proposed Project”). The unit mix is proposed to consist of approximately 56 one-bedroom units and 92 two-bedroom units (148 units in total). The Proposed Project would include 227 parking spaces, 162 of which would be provided in a parking structure beneath the building, and 65 of which are proposed as surface parking. The Applicant also proposes to construct a sidewalk along the Project Site’s frontage on Albany Post Road, and, subject to New York State Department of Transportation (“NYSDOT”) approval, a crosswalk across Albany Post Road at Lindsey Avenue. The Proposed Action requires two different approvals from the Village Board of Trustees, including Zoning Map and Text Amendments (the “Proposed Zoning”) and Special Permit Approval.

On March 7, 2023, the Village of Buchanan Board of Trustees (the “Village Board”), pursuant to the NY State Environmental Quality Review Act (“SEQRA”), declared themselves Lead Agency for the environmental review of the Proposed Project. On or about March 15, 2023, the Applicant submitted a preliminary Expanded Environmental Assessment Form (“EEAF”) to the Lead Agency. The EEAF was prepared pursuant to SEQRA, to provide the Lead Agency, as well the public and other agencies, with information about the Proposed Project and to analyze the potential environmental impacts and the potential benefits of the Proposed Project. The preliminary EEAF was reviewed by with a request for additional information. A revised preliminary EEAF was submitted on or about April 17, 2023 which the Village Board did review in detail, and at its April 25, 2023 meeting the Village Board did provide the Applicant with a series of comments and requested that additional information be provided in the EEAF before it was made available to the public. The EEAF was subsequently revised and submitted to the Village Board on or about May 3, 2023 which was ultimately accepted for public review and comment. The EEAF was circulated to a list of known Interested and Involved Agencies for their review and comment.

At its June 6, 2023 Regular Meeting, the Village Board opened a public hearing on the Proposed Zoning, during which time members of the public commented on the Proposed Project. The Village Board adjourned the hearing to the following month’s meeting. At its July 5, 2023 Regular Meeting, the Village Board re-opened the public hearing, received comments, and closed the public hearing, leaving open a minimum 10-day written comment period. It is noted that the Village did not receive any written comments during the comment period.

Subsequent to the closure of the public hearing and the written comment period, on July 17, 2023, the Applicant provided further information to the Lead Agency regarding certain aspects of the Proposed Action for which the public presented questions.

FINDING OF NO SIGNIFICANT ADVERSE IMPACT

Following a hard look, the Village Board, acting as Lead Agency, concludes that the Proposed Action will not result in a significant adverse impact to the environment. In reaching this

determination, the Lead Agency has considered the relevant areas of environmental concern and the criteria identified in 6 NYCRR §617.7, and has reviewed and considered, *inter alia*, the Petition for Zoning Text and Map amendment and addenda thereto, the Expanded Environmental Assessment Form submitted by the Applicant, supporting studies submitted by the Applicant, review and analyses conducted by the Village Staff and the Village's independent consultants, and public comment. The Lead Agency's rationale with respect to particular areas of relevance for the elements of the Proposed Action follows.

REASONS SUPPORTING THE NEGATIVE DECLARATION

The analysis of potential environmental impacts presented below is based on responses that were identified as potentially resulting in a "small impact" or a "moderate to large impact" in Part 2 of the EEAF. In certain cases, a brief explanation was provided despite the Proposed Action having "no impact" on the particular impact category.

1. IMPACT ON LAND

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.

a. Not applicable.

b. The proposed action may involve construction on slopes of 15% or greater.

c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

The following analysis addresses sub-questions b and c, cited above.

Impact Level: Moderate impact.

Description: It is anticipated that the Proposed Project would include construction on slopes greater than 15 percent. Approximately 33 percent of the Project Site is comprised of Village-regulated Steep Slopes, concentrated in the northeast and southeast. The Applicant has designed the Proposed Project to minimize impacts to Village-regulated Steep Slopes to the maximum extent practicable. The proposed building is sited in the center of the Project Site, on an expanse of relatively flat ground. Similarly, the proposed surface parking is located in the northwest of the Project Site, which is similarly relatively flat. As such, the areas of the Project Site with the most steeply sloping land have been preserved. In addition, the Proposed Project would implement an Erosion and Sediment Control Plan ("ESCP"), the main components of which were reviewed by the Board, to avoid and minimize potential adverse impacts to steep slopes. The Final ESCP would be subject to review and approval by the Village during the Special Permit and Site Plan review.

The Proposed Project would disturb Steep Slopes on 7.9± percent of the Project Site, including 3.0± percent of extremely steep slopes (i.e., disturbance of 23.7± percent of the Project Site's Steep Slopes). Other programs considered for the Project Site would have resulted in greater impacts to Village-regulated Steep Slopes. As demonstrated in the Expanded EAF submitted by the Applicant, a hypothetical site plan for the Project Site that includes a retail building and associated parking would increase disturbance of extremely steep slopes to 4.3± percent from 3.0±percent.

The Proposed Project would not result in a significant impact on land with steep slopes, or on land where bedrock is exposed, or generally within 5 feet of existing ground surface, due to the limited disturbance (given the constraints of the Project Site), the anticipated construction techniques to limit erosion (Erosion Sediment Control Plan), and slope stabilization plantings to protect slopes and limit erosion long-term.

c. Not applicable

d. The proposed action may involve excavation and removal of more than 1,000 tons of natural material.

Impact Level: Moderate impact.

Description: Based on preliminary calculations, it is anticipated that construction of the Project would result in a net cut and removal of approximately 7,000 cubic yards of earthen material. Removal of cut material would be spread out over the course of construction, and removed soils would be disposed of in accordance with NYSDEC requirements. With these measures in place, construction of the Proposed Project would not have a significant adverse impact as a result of excavation of natural materials.

e. The proposed action may involve construction that continues for more than one year or in multiple phases.

Impact Level: Moderate impact.

Description: Construction of the Proposed Project is anticipated to last approximately 20 to 24 months. Given the size of the Project Site, all construction activity (staging, storage, parking, etc.) would be contained to the Project Site, with the exception of the work within the NYSDOT right-of-way, including the sidewalk and crosswalk. The Applicant would coordinate with the Village of Buchanan Police Department, Fire Department, Highway Department, and Building Department regarding all aspects of construction. Deliveries to the Project Site, and removal of earthen material, would be spread out over the course of construction, limiting temporary traffic impacts to the surrounding area. With these mitigation measures in place, the duration of construction of the Proposed Project would not result in significant adverse impacts.

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

Impact Level: Small impact.

Description: To address the removal of trees/vegetation and proposed physical disturbance of the ground, a comprehensive Stormwater Pollution Prevention Plan ("SWPPP") would be prepared in accordance with State and local regulations and would be reviewed during the Site Plan and Special Permit review. The primary components of the SWPPP were reviewed by the Board during this SEQRA review. Temporary soil erosion and sediment control measures will be instituted and native plantings would be used to permanently restore disturbed areas.

g. Not applicable.

2. IMPACT ON GEOLOGICAL FEATURES

Not applicable.

3. IMPACTS ON SURFACE WATER

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).

a-c. Not applicable.

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Impact Level: Small impact.

Description: The Project Site is an unimproved, 5.96-acre property with forested uplands and a pond. The pond is mapped by the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) as a palustrine wetland.

Construction of the Proposed Project would not occur within mapped wetland boundaries. While the Proposed Project does not require direct wetland disturbance, the proposed fire access drive would be located within the 100-foot wetland buffer regulated by the Village of Buchanan and may require a permit from the Village. A more detailed plan to mitigate the approximately 0.13-acre disturbance, such as additional plantings within or adjacent to the wetland buffer, would be provided during site plan review. The disturbance would be necessary to facilitate the construction of a fire access lane, which would be comprised of grasscrete.

Erosion and sediment control measures (e.g., silt fencing and hay bales) would be implemented during construction to prevent indirect impacts to wetlands and waterbodies. A comprehensive SWPPP would be prepared as well, which would be subject to review and approval by the Village. With these protections in place, the Proposed Project would not have a significant adverse impact on wetlands and surface waters, either during construction or operation of the Proposed Project.

e-k. Not applicable.

4. IMPACT ON GROUNDWATER

Not applicable.

5. IMPACT ON FLOODING

Not applicable.

6. IMPACTS ON AIR

Not applicable.

7. IMPACT ON PLANTS AND ANIMALS

The proposed action may result in a loss of flora or fauna.

a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the federal government, that use the site, or are found on, over, or near the site.

d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.

The following analysis addresses sub-questions a, b, c, and d, cited above.

Impact Level: Small Impact.

Description: The Applicant performed a natural resources reconnaissance investigation on May 20, 2023, which confirmed and provided greater specificity as to the types and relative locations of the ecological communities and vegetation on the Project Site that were identified based on desktop research. The following threatened, endangered, and special concern species have the potential to occur within the Project Site: Indiana bat, Cooper's hawk, gold-winged warbler, eastern box turtle, eastern hog-nosed snake, eastern worm snake, and northern fence lizard.

To avoid or mitigate potential impacts to those species the maximum extent practicable, tree clearing activities would occur between November 1 and March 31 to avoid impacts to roosting Indiana bat and nesting Cooper's hawk and gold-winged warbler. If tree clearing occurs between April 1 and October 31, it would be required to be conducted in accordance with NYSDEC requirements. Silt fencing would be utilized to exclude reptiles and amphibians from the Project Site during construction.

With these mitigation measures in place, the Proposed Project would not have the potential to result in significant adverse impacts to threatened, endangered, candidate, or special concern species and would not adversely affect any significant natural communities.

e, f, h, i. Not applicable

g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the Project Site.

Impact Level: Small Impact.

Description: The Proposed Project would result in the permanent loss of 2.41± acres of forested land within the Project Site. The Proposed Project would result in the permanent conversion of 0.28± acres of forested land to meadow, grassland, and brushland and 1.99± acres of forested land to impervious surfaces within the Project Site.

The forested upland community found within the Project Site is similar to the surrounding forested landscape, and the permanent loss of woodlands would not result in the loss of rare or critical ecological communities. All work would be performed in compliance with local laws pertaining

to tree removal. A landscaping plan prioritizing diverse, native tree and shrub plantings would be prepared for the Proposed Project. The successional southern hardwoods and chestnut oak communities are common in the surrounding landscape, and the permanent loss of these ecological communities is relatively small compared to their abundance in the vicinity of the Project Site. In addition, landscaping associated with the Proposed Project would offset some of the effects associated with the proposed vegetation clearing. Therefore, the Proposed Project would not result in significant adverse impacts on ecological communities and vegetation in the Project Site.

8. IMPACT ON AGRICULTURAL RESOURCES

Not applicable.

9. IMPACT ON AESTHETIC RESOURCES

Not applicable.

10. IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES

Not applicable.

11. IMPACT ON OPEN SPACE AND RECREATION

Not applicable.

12. IMPACT ON CRITICAL ENVIRONMENTAL AREAS

a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.

b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.

The following analysis addresses sub-questions a and b, cited above.

Impact Level: No impact.

Description: According to the EAF Mapper, the Project Site is within the Hudson River CEA. At its closest point, the Hudson River is more than one mile from the Project Site. Given the intervening distance and topography, development of the Proposed Project would not impact views of the Hudson River, nor the experience of those enjoying the resource, and thus would not impact the quantity or quality of the resource. In addition, a comprehensive SWPPP would be prepared in accordance with State and local regulations and would be reviewed during the Site Plan and Special Permit review.

13. IMPACT ON TRANSPORTATION

The proposed action may result in a change to existing transportation systems.

a. Projected traffic increase may exceed capacity of existing road network.

Impact Level: No impact.

Description: A Traffic Impact Study was prepared to assess the potential traffic and transportation impacts of the Proposed Project, and was reviewed by the Village Board and its professional traffic consultant. Potential impacts were analyzed using industry-standard data and methodology to

calculate existing and future traffic operating conditions in the study area. Based on this analysis, the Proposed Project is not anticipated to result in a significant adverse impact to traffic on the adjacent roadway network. Specifically, the Level of Service at each study area intersection would remain the same in the future with the Proposed Project, and no modifications to the roadway network are required. In addition, the Proposed Project will contribute to improving the pedestrian environment by providing sidewalks along the Project Site's frontage and adding a crosswalk across Albany Post Road which will enhance connectivity to the Village Center. It is noted that the crosswalk curb cut and sidewalks would require the permission of the NYSDOT.

b – e. Not applicable.

f. Other impacts: beneficial impacts.

Description: The Applicant proposes to construct a sidewalk along the Project Site's frontage on Albany Post Road, and, subject to NYSDOT approval, a crosswalk across Albany Post Road at Lindsey Avenue. These community benefits would be an improvement from the existing condition, and align with the Village's 2005 Comprehensive Plan, and subsequent C1/C2 Design Guidelines which included recommendations to "improve pedestrian and bicycle access and safety within the Village," to provide "new sidewalks and repair/replacement of existing sidewalks," and to expand and connect sidewalks.

14. IMPACT ON ENERGY

a – c. Not applicable.

d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

Impact Level: Moderate impact.

Description: The Proposed Project would include approximately 169,800 gross square feet (gsf) of residential areas, 64,450 gsf of parking and common areas, and 5,000 gsf of amenities. The Proposed Project would be designed with modern heating and cooling systems, and energy needs would be coordinated with the local utility provider to ensure sufficient capacity. With these mitigation measures, the Proposed Project would not have a significant adverse impact on the use of energy.

15. IMPACT ON NOISE, ODOR, AND LIGHT

The proposed action may result in an increase in noise, odors, or outdoor lighting.

a. The proposed action may produce sound above noise levels established by local regulation.

Impact Level: Small impact.

Description: Operation of the Proposed Project would not create noise in excess of what's permitted by the Village Code. Construction would take place during the hours permitted under Village Code. During construction, there would be occasional noise generated from construction equipment and truck deliveries that is noticeable at levels above ambient conditions. However, this noise would be of limited durations during a given day and limited periods during the overall

construction process. Therefore, the Proposed Project is not anticipated to result in a significant adverse impact with respect to noise.

b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.

Impact Level: Moderate to large impact.

Description: The Project Site is within 1,500 feet of residences and Henrick Hudson High School (located at 2166 Albany Post Road). The need for blasting has not been determined. However, if blasting is necessary to facilitate rock removal, it would be done in accordance with all local, state, and Federal regulations. If blasting is necessary, the Applicant would coordinate with the school district to avoid blasting during sensitive periods (i.e., state testing days, etc.) to the maximum extent practicable. While blasting creates a louder instantaneous sound level, it also has the benefit of reducing the overall duration of excavation. Therefore, the Lead Agency finds that if blasting is required, it would not create a significant adverse impact.

c. not applicable.

d. The proposed action may result in light shining onto adjoining properties.

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

The following analysis addresses sub-questions d and e, cited above.

Impact Level: No/small impact.

Description: The proposed lighting on the Project Site would include pole-mounted LED lighting fixtures within the surface parking lot. The fixtures would direct light towards the on-site driveways and parking areas. Additional pole-mounted lighting fixtures or bollards would be provided for the on-site pedestrian sidewalks, as needed, to provide sufficient lighting. Lighting would be included in the podium courtyard and it is anticipated there would be architectural accent lighting on the building, which would be reviewed during the Site Plan and Special Permit processes. All lighting would conform to the Village's Design Guidelines (§211.24.1(D) of the Village's Zoning Code), as it would be designed to "provide safety and security" on the Project Site and would "prevent light pollution" through the use of LED lighting and directing lighting towards the ground.

Thus, while the Proposed Project would generate more light than the existing undeveloped condition, with these measures in place, the Proposed Project would not have a significant adverse impacts related to lighting and sky-glow.

16. IMPACT ON HUMAN HEALTH

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

While the Proposed Project is within 1,500 feet of a school, the Project would not have an adverse impact on human health conditions at the school, or other nearby properties.

17. CONSISTENCY WITH COMMUNITY PLANS

The proposed action is not consistent with adopted land use plans.

The Board finds that the Proposed Action is compatible with adopted land use plans. Nonetheless, the Board desires to discuss the relevant sub-questions in this part below.

a. Not applicable.

b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.

Impact Level: Moderate impact.

Description: As detailed in the EAAF, the Proposed Project is conservatively estimated to have a population of approximately 317 residents, which is equal to approximately 13.8 percent of the Village's 2020 population of 2,302. This assumes that none of the prospective Project residents relocate from within the Village of Buchanan. The Applicant has indicated that the Proposed Action will help diversify the Village's existing housing stock, providing an opportunity for existing residents to downsize from single family homes as well as providing housing options for singles and young families. While the Proposed Project would cause the permanent population of the Village to grow by more than 5 percent, it is anticipated that would be a beneficial impact for the Village, by generating additional property tax revenue and economic benefits to the Village. Upon stabilization, the Proposed Project is anticipated to generate approximately \$828,855 in property taxes annually, including approximately \$471,803 for the Hendrick Hudson Central School District and approximately \$250,806 for the Village.

An economic benefit study by the Applicant estimated that the Village of Buchanan could capture 8 percent of new residents' consumer expenditure potential, which is equal to approximately \$645,000 annually. The residents' direct local spending would have ripple effects in the economy through increased business-to-business spending (indirect impacts) and increased household income (induced effects). Resident spending would support 2 jobs, \$103,950 in labor income, and \$238,020 in economic output in the Village. Thus, the growth in the Village's population attributable to the Proposed Project would not be a significant adverse impact - rather, it would benefit the Village.

c. The proposed action is inconsistent with local land use plans or zoning regulations.

d. The proposed action is inconsistent with any County plans, or other regional land use plans.

e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.

The following analysis addresses sub-questions c, d, and e, cited above.

Impact Level: No/small impact.

Description: The Village of Buchanan Comprehensive Master Plan ("Comprehensive Plan") was adopted March 7, 2005. The Proposed Project, which would require a Special Permit from the Board of Trustees, and the proposed amendments to the Zoning Code, are consistent with, and will advance, many of the goals set out in the Comprehensive Plan, as detailed in Section F of the EAAF.

The Comprehensive Plan suggests that "improvements to the Route 9A 'streetscape' could help improve the appearance and function of this corridor. Such improvements could involve attractive

lighting fixtures, planting of street trees, sidewalk improvement/expansion, [and] curbing improvements.” The Proposed Project would result in both physical and aesthetic improvements to the Route 9A corridor through the development of streetscape improvements along the Project Site’s Route 9A frontage. The improvements include constructing a sidewalk (including along the Buchanan Home Center’s frontage), constructing a pedestrian crossing, and planting trees and other vegetation.

The Proposed Project is also consistent with the Comprehensive Plan’s objective that the Village “ensure that additional development occurs at a scale and in a manner that is appropriate to the area and that serves to preserve and enhance the character and diversity of Buchanan’s neighborhoods and commercial areas.” The Proposed Project would add necessary housing supply to the Village, diversify the types of housing available to Village residents, and would enhance the area around the Project Site, by improving the streetscape and pedestrian experience, and making beneficial use of an undeveloped parcel in the Village. The scale and manner of the Proposed Project is also consistent with the Village’s Design Guidelines. The EEAF identified how the Proposed Action was consistent with the goals and objectives of the Village’s Design Guidelines including: potential for creating a retail component along Albany Post Road; the architectural style of the proposed building has been designed to reflect a transitional historic character (refer to Figures 7a through 7f in the EEAF); incorporating different roof massing elements including pitch, features, materials and roof types (sheds, gables, hips, dormers and overhangs); the design and color of the building is proposed to incorporate stone veneer and façade colors that are non-reflecting, subtle, and earth-toned; through the construction of new sidewalks along Albany Post Road and Craft Lane, the Proposed Project would achieve the Design Guideline’s objective that “pedestrian connectivity should be increased throughout the district”; a landscaped buffer between the newly developed sidewalk and the proposed surface parking area; landscaping will incorporate appropriate native species, generously landscape parking lot edges and dividing islands with trees and low plantings and incorporate appropriate landscaping along the Albany Post Road frontage; all lighting would conform to the Design Guidelines, as it would be designed to “provide safety and security” on the Project Site and would “prevent light pollution” through the use of LED lighting and directing lighting towards the ground.

Two primary objectives related to housing and neighborhood character were identified in the Comprehensive Plan: “Promote a range of rental and home ownership opportunities in varied housing types and prices for Village residents...;” and, “Preserve the quality, character and stability of the Village’s neighborhoods by preventing the intrusion of incompatible uses in residential areas and distributing land uses in such a manner that potential conflicts between uses are minimized.” The Proposed Project would help the Village achieve these objectives. The development of a multi-family residential building comprised of 148 for-rent units would add additional housing stock to the Village and at the same time increase the diversity of the Village’s housing stock, providing additional rental opportunities within the Village. The proposed multi-family residential use is compatible with the surrounding area, as it is near other residential neighborhoods and provides pedestrian connections to the existing retail uses immediately adjacent. It also serves as a transitional use between the R-7.5 Residential District and the R-10 Residential District, located to the west of the Project Site, and the M-1 District to the east of the Project Site, maintaining the expected development patterns and potential of both areas.

For these reasons, the Board of Trustees finds that the Proposed Action is consistent with the Village’s adopted land use plans and would therefore not result in a significant adverse impact.

f-g. Not applicable

18. CONSISTENCY WITH COMMUNITY CHARACTER

The proposed project is inconsistent with the existing community character.

a. Not applicable.

b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)

Impact Level: Small impact.

Description: The Project Site is located within the Hendrick Hudson Central School District (“District”). It is anticipated that between 9 and 14 new public school students could live within the Proposed Project. Applying the per pupil programmatic cost attributable to the property tax levy and PILOT payments currently being made to the District of \$21,986 to the number of new students results in a conservative potential annual cost to the District of \$189,607 (for nine students) to \$307,804 (for 14 students) per year. These potential costs would be wholly covered by the estimated \$471,803 in annual tax revenue that the District would receive from the Proposed Project, resulting in an annual surplus of tax revenue to the District. Additionally, since 2007, enrollment has generally declined, from a high of 2,715 students enrolled during the 2007-2008 school year, to a low of 2,209 students enrolled during the 2021-2022 school year. Given the declining enrollment in the District, it is not anticipated that 14 students would result in capacity issues at any District school. As such, the Proposed Project would not adversely impact the District.

The Project Site is served by the Village of Buchanan Police (the “Police Department”). The total number of calls the Police Department responded to from 2018 to 2022 ranged from 1,108 (2018) to 1,686 (2022). Through a FOIL request, the Applicant obtained information regarding the number of annual police responses to Harbor Square, a six-story, multi-family residential building located at 1 Harbor Square, Ossining, New York, 10562. Harbor Square is comprised of 188 units, including a mix of 1- and 2-bedroom rental units. There were a total of 81 police calls to Harbor Square between 2018 to 2022, or an average of 1.4 calls per month and 16.2 calls per year. If the Proposed Project generated a similar rate of police calls to Harbor Square (i.e., 0.14 calls per unit per year), the Proposed Project could be anticipated to result in approximately 21 calls per year, which would be an increase in calls to the Village’s Police Department of approximately one percent. As such, the Proposed Project would not adversely impact police services.

During the review of the Proposed Action, the Applicant has met with the Buchanan Fire Department on several occasions to review the design of the Proposed Project and to coordinate on-Site access by the Fire Department. The Board has also heard from the Fire Department during this process.

The design and construction of the Proposed Project would meet the most modern building and fire codes, including the use of automatic sprinklers and fire-separated staircases. The design of the Proposed Project will allow for sufficient fire truck maneuverability around the proposed multifamily building in accordance with not only the building code, but the specific needs of the Buchanan Fire Department.

While the Buchanan Fire Department does not have a ladder truck, several proximate departments do have ladder trucks. In the case of an emergency, the Fire Chief would determine whether mutual aid was required from other fire departments as well as what other resources would be required for a particular emergency.

Therefore, the Proposed Project would not adversely affect the provision of fire safety services.

c-d. Not applicable.

e. The proposed action is inconsistent with the predominant architectural scale and character.

Impact Level: No/small impact.

Description: The Village's Design Guidelines (§211.24.1(D) of the Village's Zoning Code) call for building designs that "celebrate the history and character of the Village through traditional architecture" and "ensure buildings are designed to complement the built and natural landscape." The architectural style of the proposed building reflects a transitional historic character, and all sides of the building have a continuous, consistent architectural treatment. The height, coupled with the "C-shape" of the multi-story building, would create a balanced sense of enclosure for the courtyard, and the modulated footprint, offsets, and setbacks would achieve an articulated façade. The design and color of the building would incorporate stone veneer and façade colors that are non-reflecting, subtle, and earth-toned. Given the design elements incorporated into the proposed building, and its conformity with the Design Guidelines, the Proposed Project would be consistent with the desired scale and character in the Village.

f. Proposed action is inconsistent with the character of the existing natural landscape.

Impact Level: No/small impact.

Description: The 2005 Comprehensive Plan recommends "protect[ing] scenic resources and sensitive environmental features (such as water bodies, wetlands, floodplains, steep slopes, and stream corridors) to the maximum degree possible." The Proposed Project has been designed to limit disturbance to steep slopes on the Project Site and to preserve natural features, including the waterbody on the southern portion of the Project Site, to the maximum extent practicable. The Plan also recommends that the Village "protect and encourage wildlife and habitat diversity" and suggests that "large contiguous areas of forest and relatively undeveloped areas should be kept intact to the extent possible." The Proposed Project's area of disturbance would be approximately 3.1 acres, leaving approximately 2.86 acres (or 48 percent) of the Project Site undisturbed. Additionally, the Project Site is adjacent to the Con Edison-owned high-voltage electric transmission line corridor, which provides open space and habitat for wildlife surrounding the Project Site. Therefore, the Board finds that the Proposed Project would not result in a significant adverse impact as a result of its character as it relates to the existing natural landscape. *