

**State Environmental Quality Review Act
AMENDED NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: August 7, 2014

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

The Town/Village of Harrison, New York ("Harrison") as lead agency has determined that the proposed action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared. This determination is intended to amend a Negative Declaration previously issued for this same project, pursuant to 6 NYCRR §613.7(e) (i) and (iii), as a further modification to the project has been proposed after the completion of Harrison's SEQRA review.

Name of Action: Modification to "Project Home Run"

SEQRA Status: Type I
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

This proposed action consists of a reduction to a previously proposed project to construct a park and outdoor recreational complex (the "Project") on a parcel remediated under the State's Brownfield Cleanup Program.

The Project initially included grading and filling within .39 acres of FWW J-3 ("FWW J-3") and an additional 1.7 acres of the wetland's 100-foot adjacent area ("Adjacent Area"). The scope of the Project was then reduced, and wetland impacts were to be limited to the removal of a 0.162 acre man-made pond and grading and filling within 2.0 acres of the Adjacent Area. Project infrastructure, including a youth baseball stadium was also eliminated from the Project as originally proposed. This Project modification (the "Modification") further reduces the size of proposed fields and repositions them in order to avoid any regulated activities within the boundary of FWW J-3. Wetland impacts for the Project will now be limited to grading and filling within 2.0 acres of Adjacent Area.

Location:

The Project is located between Oakland Avenue and the Beaver Swamp Brook, just south of the intersection of Oakland Avenue and Osborn Road, in the Town of Harrison, Westchester County, New York.

Reasons Supporting this Determination:

After considering the Project Modification which comprises the action, and having considered a Short Environmental Assessment Form (“EAF”), the detailed application materials and the criteria for determining significance contained in the State Environmental Quality Review regulations (6 NYCRR § 617.7(c)), the Planning Board finds that the Modification will not have a significant adverse impact on the environment. This determination is based upon the findings discussed further below.

I. Materials Considered.

In support of its Modified Project, the Applicant submitted the following supplemental application materials which were considered by Harrison in making this determination:

- a. Environmental Assessment Form (short form) for modified Project;
- b. Modified Project Plans for Project Home Run;
- c. Letter from Wetland Specialist Beth Evans, dated July 31, 2014;
- d. Letter of Map Revision dated June 24, 2009 issued by the Federal Emergency Management Agency (“FEMA”).

II. Project History.

1. In 2002, Harrison declared itself to be lead agency under SEQRA to assess the environmental impacts associated with the cleanup and eventual reuse (“Environmental Restoration”) of a contaminated parcel occupied then occupied by a junkyard. The property was located between Oakland Avenue and the Beaver Swamp Brook, in the Town of Harrison, Westchester, County, New York (the “Site”). The Environmental Restoration was undertaken under New York’s “Brownfield Cleanup Program” (“BCP”). On July 31, 2003, Harrison issued a negative declaration (“First Negative Declaration”).

2. Subsequently, Harrison assessed the anticipated environmental impacts associated with reuse of the Site as a municipal park and recreational complex known as “Project Home Run”. At that time, the Project was intended to consist of a youth baseball/softball stadium, youth soccer and multipurpose field, children’s playground,

parking lots, an interpretive nature walkway along the Beaver Swamp Brook, and associated infrastructure. On June 23, 2004, Harrison issued a second negative declaration (“Second Negative Declaration”) for the Project as then proposed.

3. As initially proposed, the Project was projected to impact .39 acres of FWW J-3 and 1.7 acres of Adjacent Area. In 2009, Harrison reduced the proposed scope of the Project to one softball field, one multi-use grassed field, a walking trail, and associated parking. With that reduction, projected wetland impacts were in turn reduced to the loss of 0.162 acres of FWW J-3 and 2.0 acres of Adjacent Area. Actual disturbance within the wetland was to be limited to the elimination of a 0.162 acre man-made pond that was originally constructed as part of the BCP and was not hydraulically connected to FWW J-3 but was considered part of the wetland as mapped. All Adjacent Area to be graded and filled consisted of a mowed field created during the Brownfield Cleanup of the Site.

5. On June 24, 2009, FEMA issued a Letter of Map Revision (“LOMR”) that modified the flood insurance rate map in the area of the Project. As a result of the LOMR and the proposed reduction in scope of the Project, all of the Project features were determined to be outside of the floodway boundary.

6. On January 21, 2011, Harrison assessed certain environmental impacts associated with the reduced Project and issued a “SEQRA Negative Declaration Update”, a modified negative declaration based upon substantive changes to the Project (“Third Negative Declaration”). Specifically, the Third Negative Declaration assessed the anticipated noise and visual impacts resulting from the reduction in the scope of the Project.

7. On or about March 8, 2011, DEC issued a revised draft permit and its own SEQRA negative declaration for the Project as proposed at that time (“DEC Negative Declaration”).

8. As a result of recent discussions with NYSDEC permit staff, Harrison officials have decided to modify the Project further as discussed herein, in order to eliminate all impacts within the boundary of FWW J-3.

9. This Amended Negative Declaration (“Fourth Negative Declaration”), is intended to address the adverse impacts to the Project that may occur as a result of the Modification.

III. Discussion of Impacts.

In accordance with 6 NYCRR §617.7(e), this Amended Determination of Non-Significance is issued because substantive changes to the Project have been proposed which were not previously considered, but which Harrison has determined will not cause any significant adverse environmental impact.

The following findings are made in support of this determination:

1. The only change to the Project under this Modification is the further downsizing of the Project to avoid the loss of the 0.162 acre man-made pond which is part of FWW J-3, a Class II wetland. Harrison finds that the only relevant issues of inquiry as a result of these Project changes are wetland impacts and flood impacts resulting from the Modification.

2. All direct wetland impacts have now been eliminated by the Modification. Instead of being removed and replaced by a grass field and walking path, the 0.162 acre pond will now remain as a visual feature within the park and the walking path has been rerouted outside of the footprint of the pond.

3. As before the Modification, approximately 2 acres within the regulated 100-foot Adjacent Area will be impacted by grading and filling from the Project. Those areas now consist of mowed lawn created during the BCP. To mitigate such impacts, the Project provides for the enhancement of 1.07 acres of the wetland's Adjacent Area by removal of invasive species and the planting of new, native plant material and seed mix to improve the vegetated buffer to FWW J-3.

4. NYSDEC has previously determined through the DEC Negative Declaration that the Project as previously proposed will not cause any significant adverse impacts to the environment. Additionally, NYSDEC had issued a draft FWW permit for the Project as configured prior to the Modification. Harrison finds that the Modification will only lessen, not exacerbate impacts to FWW J-3 and that a NYSDEC FWW permit, which must be issued prior to construction, will ensure that both the wetland and Adjacent Area are fully protected.

5. Based upon the foregoing, Harrison has determined that the Project as Modified will not cause any significant impact to wetlands or regulated buffer areas. Harrison finds that the Project is consistent with the preservation and conservation of FWW J-3. The Project as modified will promote the passive recreational enjoyment of the wetland by providing public open space and access to a restored wetland in an urbanized area, as well as improvement of the regulated buffer areas.

6. As a result of the LOMR, the Project is located completely outside of the floodway and therefore, no encroachment analysis is required by the National Flood Insurance Program.

7. Additionally, Harrison finds, in consultation with its hydrologic consultant, that the Modified Project will not cause a significant adverse impact to the historic, intermittent flooding of Beaver Swamp Brook, because the contributing drainage basin of approximately 3000 acres is so large when compared to the size of the Project Site (approximately 4 acres) and Beaver Swamp Brook's 100 year flood storage (approximately 1,200,000 cubic yards). Harrison finds that the disparity in the size of

these hydrologic parameters does not offer the potential for yielding a measurable effect on the flooding of the stream, and any filling on the Site is too small to have any measurable impact on flooding in the areas. Harrison has not been provided any credible hydrologic and/or hydraulic analyses relating to the Site to the contrary.

8. Therefore, Harrison finds that the Project as Modified will not cause a significant impact to either the floodway or the flood plain in the area of the Project.

9. The BCP was completed many years ago to the satisfaction of the NYSDEC. The Project as Modified will provide for the recreational use of a Site that was formerly contaminated and occupied by a junkyard. Prior Negative Declarations previously assessed the reasonably anticipated impacts of the BCP.

10. Prior Negative Declarations have assessed the reasonably anticipated impacts of the proposed Project, including the noise and visual impacts associated with the Project, and determined that they were not significant. The Project as modified will further reduce any noise and/or visual impacts by maintaining the pond as a visual feature and by reducing the size of the fields.

IV. Conclusion.

The Town of Harrison has completed a careful review of the reasonably anticipated areas of environmental concern raised by the Project Modification.

Based upon that review, the criteria for determining significance contained in the SEQRA regulations, and the rule of reasonableness, Harrison issues this Amended Negative Declaration, concluding that the facts and circumstances of this Project Modification will not result in a significant adverse environmental impact.

The only substantive changes to the Project will actually cause a reduction in environmental impacts. It will eliminate all direct impacts to the wetland and will not cause any impacts to flooding.

An environmental impact statement therefore will not be required.

For Further Information:

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