

TOWN/VILLAGE BOARD RESOLUTION

**DETERMINATION OF SIGNIFICANCE
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
LOCAL LAW AMENDING CHAPTER 235
GC-RF - GENERAL COMMERCIAL-RESIDENTIAL FLOODPLAIN ZONING
DISTRICT**

WHEREAS, the proposal involves amending Chapter 235 of the Town Code to create a new zoning district known as the GC-RF - General Commercial - Residential Floodplain district, adding new dimensional regulations for the GC-RF district, and adding new special exception use regulations for multiple dwellings and townhouses in the GC-RF district as §235-17 CC (the "Proposed Action"); and

WHEREAS, the Proposed Action will replace the existing B - Two-Family zoning district that was put in place at the time the adjacent park was developed; which neither supports the existing commercial uses, nor affords any realistic opportunity facilitate the development of new two-family homes; and

WHEREAS, the Proposed Action is intended to provide a sensible future zoning scheme for a transitional area on the edge of the downtown, that is consistent with prior master plans and current market trends; and

WHEREAS, the Proposed Action is subject to the provisions of the New York (NY) State Environmental Quality Review Act ("SEQRA") as set forth in Article 8 of the Environmental Conservation Law and the implementing regulations promulgated thereunder at 6 NYCRR Part 617, as amended.

NOW THEREFORE BE IT RESOLVED, that pursuant to 6 NYCRR Part 617, State Environmental Quality Review, the Town /Village Board of the Town/Village of Harrison hereby designates itself Lead Agency for the SEQR Review of this Unlisted Action.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant adverse effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

BE IT FURTHER RESOLVED that this resolution shall have an effective date of August 10, 2023.

On Motion of _____, seconded by _____, this resolution was adopted by the following vote:

AYES:

NAYES:

ABSTAINED:

ABSENT:

Richard Dionisio, Mayor/Supervisor

This resolution was thereupon duly adopted.

617.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

Date August 10, 2023

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

The _____ Town/Village Board as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: GC-RF - General Commercial-Residential Floodplain Zoning District

SEQR Status: Type I ☐
Unlisted ☒

Conditioned Negative Declaration: Yes ☐
No ☒

Description of Action:

The proposed action involves amending Chapter 235 of the Town Code to create a new zoning district known as the GC-RF - General Commercial - Residential Floodplain district, adding new dimensional regulations for the GC-RF district, and adding new special exception use regulations for multiple dwellings and townhouses in the GC-RF district as §235-17 CC.

Location: (Include Street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

The Proposed Action is located on the northern edge of the downtown, bordering the City of Rye, bounded by Oakland Avenue, Park Avenue and Osborn Avenue.

REASONS SUPPORTING THIS DETERMINATION:

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

See Attached

If **Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Jackie Greer, Town Clerk
Address: 1 Heineman Place, Harrison NY 10528
Telephone Number: 914-670-3030

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

Commissioner, Dep't of Environmental Conservation, 625 Broadway, Albany, NY 12233-0001
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Supervisor/Mayor, Town/Village of Harrison, 1 Heineman Place, Harrison NY 10528
Applicant (if any)
Other Involved Agencies (if any)

Reasons Supporting This Determination

The proposed action involves amending Chapter 235 of the Town Code to create a new zoning district known as the GC-RF - General Commercial - Residential Floodplain district, adding new dimensional regulations for the GC-RF district, and adding new special exception use regulations for multiple dwellings and townhouses in the GC-RF district as §235-17 CC.

The following summary of facts and conclusions provides the basis for a determination of non-significance (Negative Declaration) for the Proposed Action:

a. Zoning and Land Use

The proposed rezoning area has over the years presented various concerns. The area contained the only quasi-industrially zoned properties in the Town, and many of the historical uses in the area (such as junk and salvage yards and auto body shops) created adverse conditions.

The Town's acquisition of roughly half the area to allow for the development of Malfitano Park, eliminated many of the most problematic industrial uses, however, the land use pattern in some of the remaining areas remains unsettled.

When the park was developed, the entire area, with the exception of the businesses fronting on Osborne Road was rezoned to the B - Two-Family Residence zoning district. This action rendered the remaining pre-existing commercial properties legally non-conforming.

This non-conforming status stymies any opportunity to invest in, or to improve these properties.

The Proposed Action involves restoring the area to a hybrid of the GC - General Commercial zone that previously governed the area (to be known as the GC-RF - General Commercial - Residential Floodplain District) - thereby allowing the existing businesses to operate as permitted uses, while adding the opportunity to develop multi-family uses and townhouses, subject to newly crafted Special Exception Use standards.

This zoning approach is consistent with the recommendations in the 1972 Master Plan, the 1988 Master Plan Update and the 2013 Comprehensive Plan.

It can therefore be concluded that the Proposed Action will not result in any adverse zoning or land use impacts.

b. Land Resources.

The proposed rezoning area is essentially fully developed and covered by existing buildings and impervious surfaces. The topography of the area slopes from a high point on Oakland Avenue, down to the Beaver Swamp Brook, but does not contain any regulated steep slopes. Soils consist of the Urban Land soil type, which are soils that have been altered extensively by development, and are of limited ecological value. Any redevelopment of the land area within the proposed rezoning area will occur within areas of prior land disturbance. The only vegetation that exists in the area is invasive weedy second and third growth. It can therefore be concluded that any development that occurs as a result of the Proposed Action, will not result in any significant adverse impact on land resources.

c. Water Resources.

The eastern edge of the proposed rezoning area is bounded by the Beaver Swamp Brook. FEMA designated floodplains and a NYSDEC wetland are associated with the Brook, and extend into the proposed rezoning area.

While these environmental constraints impact the eastern side of the area, the western side closer to Oakland Avenue is generally outside of these environmental constraints, which establishes an area where redevelopment is possible. To ensure that adverse impacts to water resources will not result, new Special Exception Use standards are proposed prohibiting development within a regulatory floodway, requiring habitable space, emergency access and all mechanical systems to be elevated above the 500-year floodplain and requiring a 4:1 flood storage volume replacement.

No water supply wells or subsurface septic disposal systems are permitted, as the area is served by municipal sewer and water services.

In addition to the proposed Special Exception Use standards, any new development would be subject to compliance with the requirements of Chapter 130 - Stormwater Management and Erosion and Sediment Control, and the provision of a Stormwater Pollution Prevention Plan (SWPPP), Chapter 133 - Excavations and Soil Removal, Chapter 146 Flood Damage Protection, Chapter 149 - Freshwater Wetlands, and Chapter 230 - Water Pollution, as required. This will ensure that any impacts to water resources are fully mitigated. As a result, it can be concluded that the proposed zoning amendment will not result in any significant adverse impact on water resources.

d. Cultural Resources.

The Proposed Action will have no impact on any cultural, historic or archaeological resources, as no such resources exist within the proposed rezoning area.

e. Ecological Resources.

As noted above, the proposed rezoning area is fully developed with commercial uses. The developed portion of the project area has very little ecological value in its present state. The eastern portion of the proposed rezoning area however, along the Beaver Swamp Brook supports diverse and valuable ecological resources. Due to the regulatory protections that currently exist, development would be prohibited in this area.

It can therefore be concluded that the Proposed Action will have no adverse impact on any ecological resources.

f. Traffic.

The Proposed Action would allow for the redevelopment of parcels within the rezoning area, which is currently fully developed, and as such generates traffic. Depending upon future proposed uses, traffic volumes from the area may increase or decrease. Traffic impacts would be evaluated on a case-by-case basis as individual projects are advanced.

Currently, traffic operating conditions along Oakland Avenue and at the Park Avenue intersection and the signalized Halstead Avenue intersection operate at acceptable levels-of-service. No significant adverse traffic impacts are anticipated as a result of the Proposed Action.

g. Noise, Light and Air Quality.

The proposed rezoning area currently supports commercial uses, that in some instances exhibit adverse noise, light and/or air quality impacts. The Proposed Action affords the opportunity for the existing uses to improve their facilities (which is prohibited now as the businesses are classified as non-conforming uses under the existing B - Two Family zoning), and allows for new development that must properly address these concerns.

The Proposed Action would not result in opportunities to adversely impact noise, light or air quality issues.

h. Community Character.

The proposed rezoning area currently supports commercial uses, some of which establish an appropriate community character, while others are visually disruptive and detract for the character of the surrounding community.

The Proposed action affords the opportunity for property owners to reinvest in their properties, either by enhancing the existing uses, or redeveloping the properties, in a way that will benefit the character of the surrounding community. No significant adverse community character will result from the Proposed Action.