

C-1

**TOWN/VILLAGE BOARD RESOLUTION**

**DETERMINATION OF SIGNIFICANCE  
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT  
LOCAL LAW AMENDING SECTION 17 (R) OF CHAPTER 235  
SB DAY CARE CENTERS**

**WHEREAS**, the proposal involves amending Section 17 (R) of Chapter 235 of the Town Code to allow day care centers, which are currently only permitted in the SB-O district, to be permitted as a Special Exception Use in the SB-1, SB-35 and SB-100 districts in addition to the SB-O district (the "Proposed Action"); and

**WHEREAS**, originally created to support the day care needs of those working in the office buildings in the SB-O zone, the proposed action would expand the opportunity to provide day care centers to all of the Special Business office parks in Town of Harrison; and

**WHEREAS**, if adopted, the Proposed Action will require a day care center to obtain Site Plan and Special Exception Use approval from the Planning Board, and confirmation of the Special Exception Use approval by the Town Board, subject to the same special conditions and safeguards currently existing for the SB-O day care use; 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 May 4, 2023.

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

**AYES:**

**NAYES:**

**ABSTAINED:**

**ABSENT:**

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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 May 4, 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:** SB Day Care Center Zoning Amendment

**SEQR Status:** Type I ☐  
Unlisted ☒

**Conditioned Negative Declaration:** Yes ☐  
No ☒

**Description of Action:**

The proposed action involves amending Section 17 (R) of Chapter 235 of the Town Code to allow day care centers, which are currently only permitted in the SB-O district, to be permitted as a Special Exception Use in the SB-1, SB-35 and SB-100 districts in addition to the SB-O district.

**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 within the SB-1, SB-35 and SB-100 zoning districts, Harrison, Westchester County.

**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 Section 17 (R) of Chapter 235 of the Town Code to allow day care centers, which are currently only permitted in the SB-O district, to be permitted as a Special Exception Use in the SB-1, SB-35 and SB-100 districts in addition to the SB-O district.

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**

In 1993 the Town Board established the SB-O day care center use to provide a new ancillary use that would support the existing office buildings within the SB-O zoning district. The Eastridge Enrichment Center located at the end of Corporate Park Drive is a result of this zoning.

Since that time, the decline of the office parks and their repurposing to support new uses has resulted in a reduction of office space in the SB-O district, while simultaneously reinforcing of the remaining office uses in the other office zones in Town (SB-1, SB-35 and SB-100). Recognizing this shift, it is logical and appropriate to similarly shift the supportive day care use to include the other office zones.

Currently the SB-O Day Care Center use is only applicable in the SB-O district, and is further regulated by a series of 14 "Special Conditions and Safeguards" governing the siting, configuration and operation of these facilities. The Proposed Action maintains all of the Special Conditions and Safeguards that currently exist, and expands the use so that it is also allowed in the SB-1, SB-35 and SB-100 districts in addition to the SB-O district.

A day care center is a customary ancillary use to an office building, and such a facility has operated in the SB-O zone at the end of Corporate Park Drive for decades without incident. It can be concluded that expanding the day care use to the SB-1, SB-35 and SB-100 districts will not result in any adverse zoning or land use impacts.

### **b. Land Resources.**

The SB-1, SB-35 and SB-100 districts are fully developed. While it is permissible to construct a free-standing day care center under the existing Special Conditions and Safeguards, it is more likely that such a facility would occupy space within an existing office building. If a free-standing facility were to be constructed, it would likely be located within an already developed portion of a site, such as an area within a parking lot. Such an action would require site plan review and approval from the Planning Board, where any impacts would be mitigated. As a result, it can be concluded that

the proposed zoning amendment will not result in any significant adverse impact on land resources.

**c. Water Resources.**

The SB-1, SB-35 and SB-100 districts are fully developed. While it is permissible to construct a free-standing day care center under the existing Special Conditions and Safeguards, it is more likely that such a facility would occupy space within an existing office building. If a free-standing facility were to be constructed, it would likely be located within an already developed portion of a site, such as an area within a parking lot. If a free-standing building is proposed, such an action would require site plan review and approval from the Planning Board, and would need to comply with the requirements of Chapter 130 - Stormwater Management and Erosion and Sediment Control, and the provision of a Stormwater Pollution Prevention Plan (SWPPP), 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 SB-1, SB-35 and SB-100 districts.

**e. Ecological Resources.**

As noted above, the SB-1, SB-35 and SB-100 districts are fully developed with office park uses. The additional of a day care center will have no adverse impact on any ecological resources.

**f. Traffic.**

The Proposed Action will permit the development of day care centers in the SB-1, SB-35 and SB-100 districts. While it is possible that a new day care facility will result in additional traffic impacts, an underlying premise in the creation of this use is that it primarily supports employees who work within the office parks. As such, vehicle trips to and from these areas already exist, and the establishment of a day care center would not appreciably increase trip generation rates. Nevertheless, the Special Conditions and Safeguards for a day care use requires the documentation by an applicant that the day care center will not negatively impact traffic conditions. This evaluation would occur during the Site Plan and Special Exception Use review and approvals for a specific day care application. This process will ensure that the traffic impacts of a day care center do not result in significant adverse impacts.

**g. Noise, Light and Air Quality.**

The Special Conditions and Safeguards for a day care facility require the provision of adequate outdoor play areas. This component of a day care center may result in noise or other associated impacts. During the Site Plan and Special Exception Use review for a specific day care application, the Planning Board and Town Board will assess and mitigate these potential impacts. This process will ensure that the noise, light and air quality impacts of a day care center do not result in significant adverse impacts.

**h. Community Character.**

As evidenced by the successful operation of the Eastridge Enrichment Center located at the end of Corporate Park Drive, a day care center is an established and appropriate use within an office park setting. The addition of day care centers in the SB-1, SB-35 and SB-100 districts will not result in any significant adverse impacts to community character.