


E-12

**TOWN OF HARRISON  
VILLAGE OF HARRISON  
ATTORNEY'S OFFICE**

**MEMORANDUM**

TO: Richard Dionisio, Supervisor  
Members of the Town Board

FROM: Andrea C. Rendo, Deputy Village Attorney 

DATE: August 30, 2022

SUBJECT: **Determination and Findings**  
**226 Fremont Street Eminent Domain Proceeding**

Attached herewith for approval is the proposed Determination and Findings, together with the Exhibits referenced therein, pursuant to the above-referenced Eminent Domain Proceeding.

ACR:ld  
Attachments

## **DETERMINATION AND FINDINGS**

**Determination and Findings by the Town of Harrison (the "Town") pursuant to Eminent Domain Procedure Law ("EDPL") Section 204 in connection with the proposed acquisition by eminent domain of certain real property known as Block 131, Lot 52 and more commonly known as 226 Fremont Street, Harrison, New York (the "Property") for the installation of a parking lot and related improvements (the "Project").**

Town Law Section 64(2) states that the Town of Harrison may acquire land by eminent domain in order to serve any public use or purpose, which includes any use that would contribute to the health, safety, general welfare, convenience or prosperity of the community. The purpose for the proposed condemnation is to construct a municipal parking lot.

The Town opened a public hearing on December 5, 2019 at 7pm to consider the Project. A notice of the meeting (notice attached as **Exhibit A**) was served to the property owner pursuant to EDPL Section 202, and a copy of the meeting notice was published in the Journal News each day from November 20, 2019 through November 24, 2019 (affidavit of publication attached as **Exhibit B**). The public hearing was left open until the June 16, 2022 meeting of the Town Board when it was closed and the Town Board began discussion of potential environmental impacts associated with the taking. At the hearing, the public was provided with information concerning the public use, benefits, and purposes to be served by the Project, the Project's location, reasons for the selection of the Project's location, maps of the Property and adjacent parcels, and other facts pertinent to the Project. The Town Engineer testified as to the public use, benefit, and purpose that would be served by the acquisition of the Property. The public was given an opportunity to comment upon the Project during the hearing, and written comments were accepted up until the close of the public hearing. A transcript of all proceedings will be produced and made a part of the record. All testimony and written comments received at the hearing and additional comments received during the comment period have been reviewed, made a part of the record, and afforded full consideration.

The Project involves the acquisition by eminent domain of the Property to be used as a municipal parking lot. The Property is adjacent to 249 Halstead Avenue to the west and 230 Fremont Street to the east. 249 Halstead Avenue is in the process of being taken by eminent domain by the Town. 230 Fremont Street is an existing municipal parking lot with approximately 34 parking spaces. The Project would combine these three lots to construct a larger municipal parking lot. The lot would be configured to have a one-way flow of traffic from Halstead Avenue to Fremont Street (a one-way street) using existing curb cuts for ingress and egress. The new combined parking lot is anticipated to have 89 parking spaces.

In order to permit construction and completion of the Project, it is necessary to acquire the Property. The Property is approximately 6,088 square feet, with frontage on Fremont Street. The Property is zoned Two Family Residence (B), and is surrounded by mostly Central Business District (CBD) zoned properties. The Property has approximately 49 feet of street frontage, which is smaller than the 50 feet required under the Town's Zoning Code. The site includes a building with approximately 2,050 feet of gross building area. The current owner of the Property is the

Felix and Catherine Cristiano Family Limited Partnership. The deed, along with a metes and bounds description of the Property is attached as **Exhibit C** and survey is attached as **Exhibit D**.

At its meeting on June 16, 2022, the Town Board classified the Project as an "Unlisted" action under the New York State Environmental Quality Review Act ("SEQRA"), determined that there were no other involved agencies and determined that the Project would not have any significant adverse impacts on the environment. The Town's SEQRA determination and findings, along with a copy of the Environmental Assessment Form (EAF), are attached as **Exhibit E**. The Town Board made the following findings concerning the potential for adverse impacts to the environment:

- (A) The Action will not result in: (i) substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of a resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such species; or (iii) other significant adverse impacts to natural resources;
- (B) The Action will not affect a critical environmental area as designated pursuant to 6 NYCRR § 617.14(g);
- (C) The Action will not conflict with the community's current plans or goals as officially approved or adopted;
- (D) The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (E) The Action will not result in a major change in the use of either the quantity or type of energy;
- (F) The Action will not result in the creation of a hazard to human health;
- (G) The Action will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses;
- (H) The Action will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (I) The Action will not result in the creation of a material demand for other actions that would result in one or more of the above consequences;



- (J) The Action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
- (K) The Action will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR § 617.7(c).

At its June 16, 2022 meeting, the Town Board made the following additional findings:

- (A) The downtown area of the Village of Harrison does not have adequate parking to serve its present needs; and
- (B) Future municipal development plans in the downtown area will require additional parking; and
- (C) The proposed parking lot will not add new traffic to the area, but rather fill a need that is presently not being met and requiring residents to park long distances from their commercial destinations; and
- (D) The proposed parking lot will improve land that is already impermeable and will not result in any additional stormwater run-off.

Pursuant to EDPL Section 204(B)(1), the Town concludes that the Project will serve a legitimate public purpose. The proposed use of the Property as a municipal parking lot will contribute to the health, safety, general welfare, convenience and prosperity of the community by filling a need for public parking that is presently not being met.

Pursuant to EDPL Section 204(B)(2), the Town concludes that the Property is the appropriate location for the Project because it is adjacent to an existing municipal parking lot located at 230 Fremont Street. The irregular shape and nonconforming lot frontage of the Property limit potential uses of the Property. The characteristics of the Property and its proximity to the existing municipal parking lot at 230 Fremont Street make the Property uniquely situated to satisfy the public purpose of the Project. Additionally, expanding upon the Town's existing parking facility is more cost-effective than constructing a separate and distinct facility in a different location.

Pursuant to EDPL Section 204(B)(3), the Town concludes that the general effect of the Project on the Environment will be negligible. The Project will improve land that is already impermeable and will not result in any additional stormwater run-off. Based on the information provided by the Town Engineer, the Town Board has concluded that there will be no increase in traffic due to the Project. Rather, the Project will fill a presently unmet need for parking and benefit downtown residents and local businesses.

Pursuant to EDPL Section 204(B)(4), the Town Board considered other relevant factors, including concerns raised by members of the public during the public hearing process. All comments have been given careful, extensive and due consideration by the Town Board.

#### DETERMINATION

Based on due consideration of the record and the foregoing findings, it is determined that the Town should exercise its power of eminent domain to acquire the above-described property in order to promote and permit the purposes of the Project to be achieved.

Copies of this Determination and Findings by the Town are available and will be forwarded without cost and upon request, by writing to the Town Clerk.

ATTENTION: ANY PERSON WHO WISHES TO SEEK JUDICIAL REVIEW OF THIS DETERMINATION AND FINDINGS, OR WHO CLAIMS TO BE AGGRIEVED BY SUCH DETERMINATION AND FINDINGS AND WISHES TO CHALLENGE SAME, MUST DO SO, IF AT ALL, (1) BY DULY COMMENCING A LEGAL PROCEEDING IN THE APPELLATE DIVISION, SECOND DEPARTMENT, SUPREME COURT, STATE OF NEW YORK, APPELLATE DIVISION, SECOND DEPARTMENT, 45 MONROE PLACE BROOKLYN, NY 11201, NO LATER THAN \_\_\_\_\_, OTHERWISE ANY SUCH CHALLENGE OR JUDICIAL REVIEW MAY BE TIME BARRED, AND (2) BY DULY SERVING A DEMAND UPON THE TOWN TO FILE THE RECORD UNDERLYING THIS DETERMINATION AND FINDINGS. THE APPELLATE DIVISION MAY CONSIDER THE PUBLIC USE, BENEFIT OR PURPOSE TO BE SERVED BY THE PROPOSED ACQUISITION AND OTHER MATTERS SET FORTH IN NEW YORK EMINENT DOMAIN PROCEDURE LAW SECTION 207. UNDER SECTIONS 207 AND 208 OF THE EMINENT DOMAIN PROCEDURE LAW, THE EXCLUSIVE VENUE FOR ANY CHALLENGE TO THIS DETERMINATION AND FINDINGS IS THE ABOVE-DESCRIBED APPELLATE DIVISION. ANYONE WISHING TO CHALLENGE THIS DETERMINATION AND FINDINGS IS ADVISED TO CONSULT AN ATTORNEY PROMPTLY.



# EXHIBIT A

## **NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Town of Harrison will hold a Public Hearing on Thursday, December 5, 2019, at 7:00 p.m. at the Alfred F. Sulla, Jr. Municipal Building located at One Heineman Place, Harrison, New York, for the purpose of determining the amount and extent of the real property to be acquired by the Town of Harrison by condemnation on real property known as Block 131, Lot 52 and more commonly known as 226 Fremont Street, Harrison, New York 10528. The condemnation is necessary for the installation of a parking lot and related improvements of the subject property.

Residents and property owners in the vicinity of the real property are invited to attend and present oral or written statements or documents in connection with said acquisition.

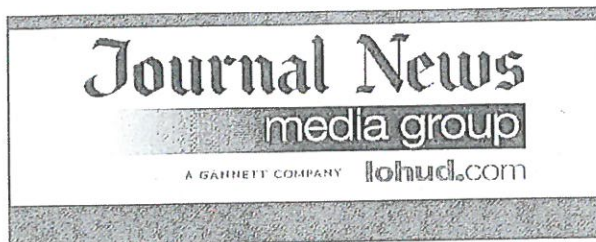
Jacqueline Greer  
Town Clerk

Dated: Harrison, NY  
November 6, 2019



# EXHIBIT B





## AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin  
County of Brown, ss.:

On the 24 day of November in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Kathleen Allen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Kathleen Allen being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:  
Westchester

Run Dates:  
11/20/19, 11/21/19, 11/22/19, 11/23/19, 11/24/19

Signature

Sworn to before me, this 24 day of November, 2019

Shelly Hora  
Notary Public, State of Wisconsin, County of Brown

SHELLY HORA  
Notary Public  
State of Wisconsin

8-25-23  
My commission expires

Legend:

### WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnville, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

### ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0003893954



Classified Ad Receipt  
(For Info Only - NOT A BILL)

**Customer:** VILLAGE/TOWN OF HARRISON TOWN  
**Address:** 1 HEINEMAN PL  
HARRISON NY 10528  
USA

**Ad No.:** 0003893954  
**Pynt Method** Credit Card  
**Net Amt:** \$270.00

**Zone:** TJN-Westchester

**Run Times:** 5

**No. of Affidavits:** 1

**Run Dates:** 11/20/19, 11/21/19, 11/22/19, 11/23/19, 11/24/19

**Text of Ad:**

**NOTICE OF PUBLIC HEARING**

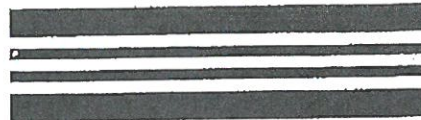
**PLEASE TAKE NOTICE** that the Town of Harrison will hold a Public Hearing on Thursday, December 5, 2019, at 7:00 p.m. at the Alfred F. Sulla, Jr. Municipal Building located at One Heineman Place, Harrison, New York, for the purpose of determining the amount and extent of the real property to be acquired by the Town of Harrison by condemnation on real property known as Block 131, Lot 52 and more commonly known as 226 Fremont Street, Harrison, New York 10528. The condemnation is necessary for the installation of a parking lot and related improvements of the subject property. Residents and property owners in the vicinity of the real property are invited to attend and present oral or written statements or documents in connection with said acquisition.  
Jacqueline Greer  
Town Clerk  
Dated: Harrison, NY  
November 6, 2019 3893954



# EXHIBIT C



\*K06396261\*



\*DED2\*

12



\*\*\* DO NOT REMOVE \*\*\*

WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE  
(THIS PAGE FORMS PART OF THE INSTRUMENT)

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT DED-DEED FEE PAGE 3 TOTAL PAGES 4  
(SEE CODES FOR DEFINITIONS)

STAT'Y CHARGE 5.25  
REC'ING CHARGE 9.00  
RECMGT FUND 4.75  
EA 5217 25.00  
TP-584 5.00  
CROSS-REF. 0.00  
MISC. \_\_\_\_\_

MORTGE. DATE \_\_\_\_\_  
MORTGE. AMT \_\_\_\_\_  
EXEMPT YES \_\_\_\_\_ NO \_\_\_\_\_

LIBER: 11530  
PAGE: 43

REC'D TAX ON ABOVE MTGE:  
YONKERS \_\_\_\_\_  
BASIC \_\_\_\_\_  
ADDITIONAL \$ \_\_\_\_\_  
SUBTOTAL \_\_\_\_\_  
MTA \_\_\_\_\_  
SPECIAL \_\_\_\_\_  
TOTAL PAID \$ \_\_\_\_\_

THE PROPERTY IS SITUATED  
IN WESTCHESTER COUNTY,  
NEW YORK IN THE:  
TOWN OF HARRISON

TOTAL PAID  
49.00

\$ 0.00  
CONSIDERATION

SERIAL NO. \_\_\_\_\_

DWELLING 1-6 OVER

☐ DUAL TOWN  
☐ DUAL COUNTY/STATE

RECEIVED:  
TAX AMOUNT \$ 0.00  
TRANSFER TAX# 0002573

☐ HELD  
☐ NOT HELD

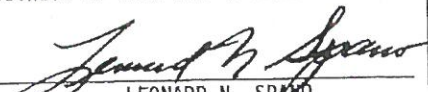
TITLE COMPANY NUMBER: 01

EXAMINED BY LLH6 RECORDING DATE 09/17/96

TERMINAL CTRL# 96261K063 TIME 08:42

DATE RETURNED \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL

  
LEONARD N. SPINO  
WESTCHESTER COUNTY CLERK

*R*



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 16<sup>th</sup> day of August, nineteen hundred and ninety-six  
BETWEEN PELIX CRISTIANO, residing at 3 Sunset Lane, Harrison, New York, 10528

party of the first part, and THE PELIX AND CATHERINE CRISTIANO FAMILY LIMITED PARTNERSHIP,  
with offices at 3 Sunset Lane, Harrison, NY 10528

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Harrison, Westchester County, New York, shown and designated as a portion of Lot No. 507 on a certain map entitled, "Map of Brentwood Plaza" made by H.H. Spindler, C.E. dated April 1892, and filed in the office of the Register of Westchester County (now Westchester County Clerk's Office, Division of Land Records), on June 2, 1892, in Volume 9 of Maps at page 117; and a portion of Lot No. 1 on a certain map entitled, "Map of 95 lots at Harrison Station, adjoining first Map of Brentwood Plaza, in the Town of Harrison, Westchester County, New York," made by H.H. Spindler, City Surveyor, dated April 1901, and filed in Westchester County Register's Office (now Westchester County Clerk's Office, Division of Land Records), on June 8, 1901 in Volume 14 of Maps at page 12, which said portions of said lots when taken together are more particularly bounded and described as follows:

**BEGINNING** at a point on the southerly side of Halstead Avenue distant 30.24 feet westerly from the easterly side of Lot No. 507, as shown on the map first above mentioned; as measured along the southerly side of Halstead Avenue; thence running along the southerly side of Halstead Avenue the following courses and distances; South 60°31'00" West 29.62 feet; South 18°10'00" East 0.67 feet; South 61°06'50" West 1.11 feet to the westerly line of foundation of building of premises herein described; thence running along the westerly line of foundation of said building, South 13°58'10" east 46.21 feet to a point; thence running north 76°26'50" east 0.87 feet to the westerly side of said Lot No. 507; thence running along the westerly side of said Lot No. 507 South 13°43'10" east 52.06 feet to the northerly line of Lot No. 481 on the map first above described; thence running along the northerly line of said Lot No. 481, North 88°22'20" east 16.025 feet; thence running north 6°59'10" west 71.51 feet to a point; thence running south 83°00'50" west 0.38 feet to the easterly face of building on premises herein described; thence running along the easterly face of said building, North 6°51'10" west 39.88 feet to the point or place of beginning.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

X *Pelix Cristiano*  
Pelix Cristiano (L.S.)

STATE OF NEW YORK, COUNTY OF Westchester

On the 16<sup>th</sup> day of August 19 96, before me personally came Felix Cristiano

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

*Anthony L. Zanazzi*

ANTHONY L. ZANAZZI  
Notary Public, State of New York  
No. 60-4379225

Qualified in Westchester County 97  
Term Expires May 31, 19

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

FELIX CRISTIANO

TO

THE FELIX AND CATHERINE CRISTIANO  
FAMILY LIMITED PARTNERSHIP

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS  
Distributed by

First American Title Insurance Company  
of New York



SECTION

BLOCK 131

LOT 24

COUNTY OR TOWN Westchester/Harrison  
251 Halstead Avenue  
Harrison, New York 10528

Recorded At Request of  
First American Title Insurance Company of New York

RETURN BY MAIL TO:

Anthony L. Zanazzi, Esq.  
10 Canterbury Road S.  
Harrison, NY

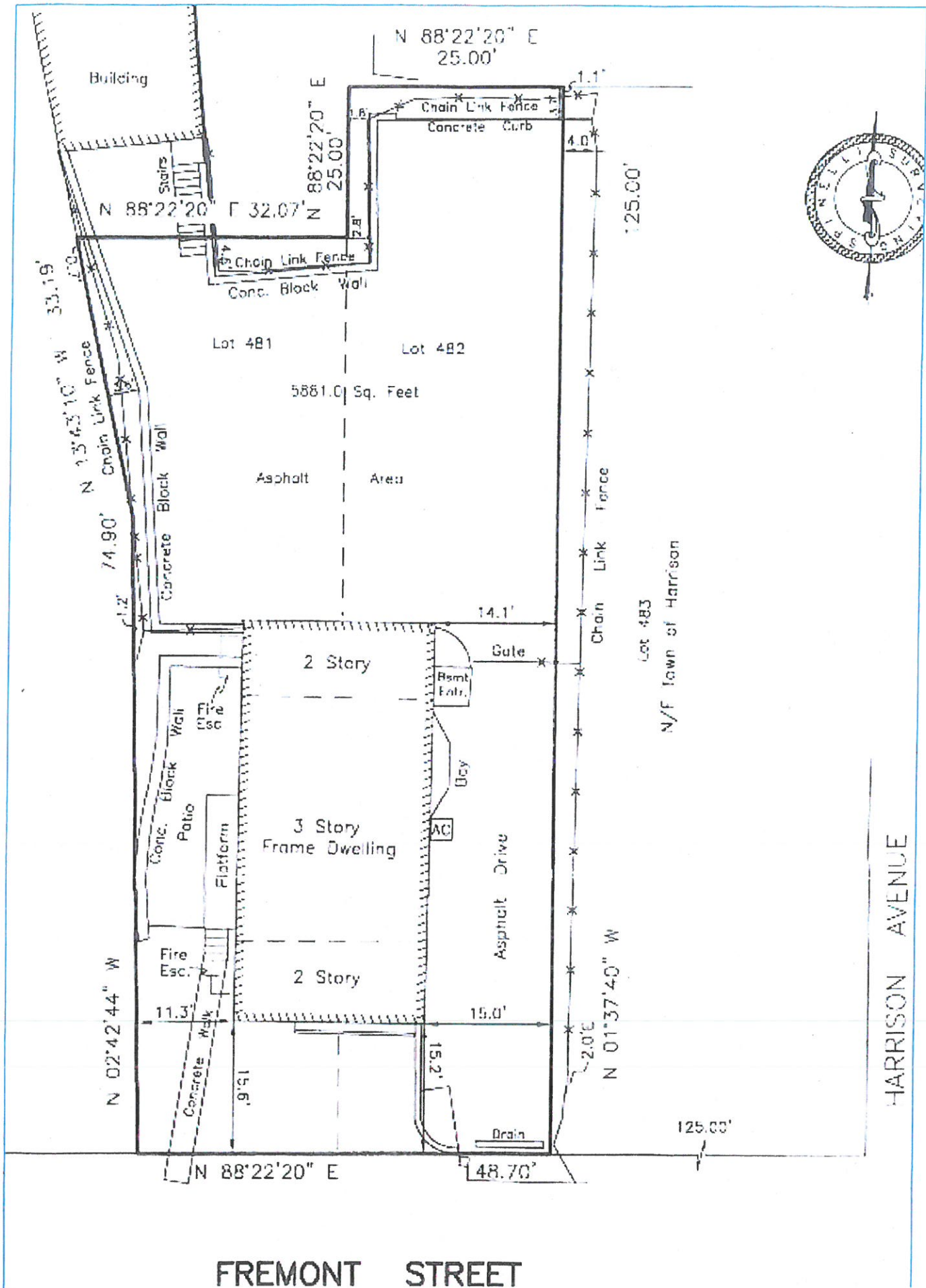
Zip No. 10528

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



# EXHIBIT D

**Survey**





# EXHIBIT E

June 16, 2022

2022 - - 283 B

CONDEMNATION ISSUING NEGATIVE DECLARATION

On motion of Councilwoman Brown, Seconded by Councilwoman Evangelista,

**WHEREAS**, the Town Board for the Town of Harrison (the "Board") opened a public hearing on December 5, 2019 at 7pm pursuant to the Eminent Domain Procedure Law ("EDPL") to consider the proposed acquisition by eminent domain of certain real property known as 226 Fremont Street, Harrison, NY 10528 (the "Property"); and

**WHEREAS**, pursuant to EDPL Section 202 a copy of the meeting notice was published in the Journal News each day from November 20, 2019 through November 24, 2019; and

**WHEREAS**, the public hearing was left open until the June 16, 2022 meeting of the Board when it was closed and the Board began discussion of potential environmental impacts associated with the taking; and

**WHEREAS**, EDPL Section 201 states that prior to acquiring land by eminent domain, a condemnor must hold a public hearing to inform the public and to review the public use to be served by the proposed public project and the impact on the environment and residents of the locality where such project will be constructed; and

**WHEREAS**, the Property includes .14 acres of land and a two-family residential structure; and

**WHEREAS**, Town Law Section 64(2) states that the Town of Harrison may acquire land by eminent domain in order to serve any public use or purpose, which includes any use that would contribute to the health, safety, general welfare, convenience or prosperity of the community; and

**WHEREAS**, stated purpose for the proposed condemnation is to create a municipal parking lot to serve residents visiting the downtown commercial district of the Village of Harrison; and

**WHEREAS**, pursuant to the New York State Environmental Quality Review Act ("SEQRA") the Board has prepared part 1 of a Short Environmental Assessment Form ("SEAF") for the proposed Project;

**WHEREAS**, the Board desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations"), with respect to these proposed amendments to the Zoning Law.



**NOW, THEREFORE, BE IT RESOLVED**, that the Board confirms and adopts the following conclusions:

1. The Board hereby classifies the Action as "Unlisted" under SEQRA.
2. The Board has determined that there no other involved agencies, or in the alternative, has elected to conduct an uncoordinated review.
3. The Board has compared the impacts that may reasonably be expected to result from the Action to the criteria for determining significance identified in Section 617.7(c)(1) of the Regulations and evaluated the issues of causation and significance in light of the standards under the same Section of the Regulations.
4. The Board has not identified any significant adverse environmental impacts associated with the Action and none are known to the Board. Based upon its review, and for the reasons set forth in the SEAF, the Board hereby determines that the Action will not have any significant adverse impacts on the environment and reaches the following further conclusions:
  - (A) The Action will not result in: (i) substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of a resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such species; or (iii) other significant adverse impacts to natural resources;
  - (B) The Action will not affect a critical environmental area as designated pursuant to 6 NYCRR § 617.14(g);
  - (C) The Action will not conflict with the community's current plans or goals as officially approved or adopted;
  - (D) The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
  - (E) The Action will not result in a major change in the use of either the quantity or type of energy;
  - (F) The Action will not result in the creation of a hazard to human health;
  - (G) The Action will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses;

- (H) The Action will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (I) The Action will not result in the creation of a material demand for other actions that would result in one or more of the above consequences;
- (J) The Action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
- (K) The Action will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR § 617.7(c).

5. The Board makes the following additional findings:

- (A) The downtown area of the Village of Harrison does not have adequate parking to serve its present needs; and
- (B) Future municipal development plans in the downtown area will require additional parking; and
- (C) The proposed parking lot will not add new traffic to the area, but rather fill a need that is presently not being met and requiring residents to park long distances from their commercial destinations; and
- (D) The proposed parking lot will improve land that is already impermeable and will not result in any additional stormwater run-off.

6. The information available concerning the Action was sufficient for Board to make its determination and the requirements of SEQRA including 6 NYCRR Part 617 have been met.

7. The Board hereby approves and adopts the SEAF for the Action (Parts 1, 2, and 3), issues a Negative Declaration, and will not require the preparation of an environmental impact statement for the Action.

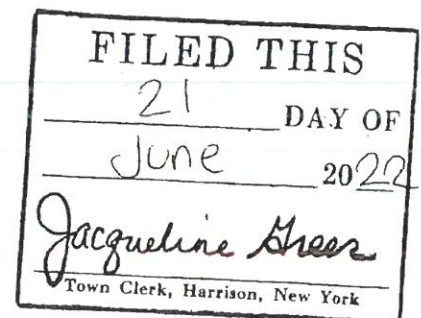
8. The Board hereby directs the Supervisor and Town Clerk to execute the SEAF and to make any filing(s) and publication required by law related to this Negative Declaration.

The adoption of the foregoing Resolution was moved by Councilwoman Brown, seconded by Councilwoman Evangelista, and duly put to vote, which resulted as follows:



Elizabeth Brown	Voting	Aye
Fred Sciliano	Voting	Aye
Lauren Leader	Voting	Aye
Gina Evangelista	Voting	Aye
Richard Dionisio	Voting	Aye

The resolution was thereupon declared duly adopted.



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Town/Village of Harrison			
Name of Action or Project: Municipal Parking Lot at 226 Freemont Street			
Project Location (describe, and attach a location map): 226 Freemont Street, Harrison, NY 10528			
Brief Description of Proposed Action: The purpose of the taking is to construct a municipal parking lot. The Property is adjacent to 249 Halstead to the west and 230 Freemont to the east. 249 Halstead is in the process of being taken by eminent domain by the Town/Village. 230 Freemont is an existing municipal parking lot with approximately 34 parking spaces. The proposed project would combine these three lots to construct a larger municipal parking lot. The lot would be configured to have a one-way flow of traffic from Halstead to Fremont (a one-way street) using existing curb cuts for ingress and egress. The new combined parking lot is anticipated to have 89 parking spaces.			
Name of Applicant or Sponsor:		Telephone: 914-670-3000	
Town/Village of Harrison		E-Mail: JGreer@Harrison-NY.Gov	
Address: 1 Heineman Place			
City/PO: Harrison		State: New York	Zip Code: 10528
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO  <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES  <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .14 acres b. Total acreage to be physically disturbed? _____ .14 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ less than 1 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



		NO	YES	N/A
5.	Is the proposed action,			
a.	A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
	If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Does the proposed action meet or exceed the state energy code requirements?		NO	YES
	If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
	If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11.	Will the proposed action connect to existing wastewater utilities?		NO	YES
	If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic 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?		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13.	a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Town/Village of Harrison</u> Date: _____  Signature: _____      Title: _____		