

**FULL EAF PART 3, POSITIVE DECLARATION ATTACHMENT**

**ZONING PETITION AND PLANNED UNIT DEVELOPMENT CONCEPT PLAN**

**900 KING STREET, RYE BROOK, WESTCHESTER COUNTY, N.Y.  
Town of Rye Tax Map Parcel 129.68-1-13**

**REASONS SUPPORTING THIS DETERMINATION**

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The Proposed Action is a Type I action pursuant to 6 NYCRR 617.4(b)(5)(iii) because the project proposes the construction of more than 250 new residential units to be connected to public water and sewer in a city having a population of less than 150,000.

**Description of the Property**

The 17.77-acre subject property is located within the Planned Unit Development (PUD) district situated on the west side of King Street south of the Hutchinson River Parkway that includes The Arbors residential development and Harkness Park. It is developed with a 215,000 square-foot office building and surface parking area. The subject lot is adjacent to and west of Village Hall and the Village firehouse, adjacent to and south of the Hutchinson River Parkway, adjacent to and east of The Arbors, and adjacent to and north of Harkness Park and the Blind Brook High School property. It is within the King Street Scenic Road Overlay District (SROD).

Although the lot has 164.78 feet of frontage along King Street, currently it does not have direct vehicular access from King Street. Vehicular access to the lot is provided at two locations along the north side of Arbor Drive, which is currently the only access road to and from King Street for the commercial and residential portions of the PUD.

There are four wetland areas and a watercourse on the subject lot, and areas of steep slopes are situated in various locations. The lot has open areas that are landscaped and planted with mature trees and shrubs, and areas that are naturally vegetated.

**Description of the Proposed Action**

The Applicant proposes to demolish the office building, its parking area, and infrastructure to construct rental senior housing for residents at least 55 years or older that is a mixture of independent living units and assisted living units. There is no subdivision associated with this application. According to the Technical Memorandum, dated October 26, 2017, the development would include 24 semi-attached, two, to two and one-half story, independent living townhomes, and a three to four-story multiple dwelling with 160 independent-living apartments, which is attached to an 85-bed/unit assisted-living and memory-care facility. The assisted-living and memory-care units would not

include kitchens so, subject to confirmation by the Village of Rye Brook Building Inspector, they may not be classified as dwelling units according to the Rye Brook Code. The building would have two entrances, one for the independent-living apartments, and the other for the assisted-living and memory-care units. The townhomes and the apartments would be a mixture of one, two and three-bedroom units. The Applicant proposes nineteen of the dwelling units to be AFFH units in accordance with the requirements of Section 209-3F and Section 250-26.1F (3)(d) of the Rye Brook Code.

Parking spaces would be provided in a garage under the multiple dwelling building and in smaller surface parking areas located throughout the complex. The townhomes would include attached garages and driveway parking. The PUD Concept Plans also include two access/egress points to the lot along Arbor Drive and an emergency access road into the northeast corner of the site from the parking lot of the Rye Brook firehouse, stormwater management facilities, signage, site lighting and landscape plantings.

The revised petition and local law to amend Section 250-7 E. of the Village Code regarding PUD development would add a new section of regulations specific to the 900 King Street. The new section would have specific regulations for the proposed development with respect to lot size, gross floor area per acre, number of dwelling units per acre, the age-restriction parameters, allowable building height, required setbacks/buffers, maximum impervious surface coverage, parking, lighting, and a landscape plan. The latest version of the local law increases minimum lot size to 17 acres and includes a maximum of 4 stories, a maximum of 26,000 square feet of gross floor area per acre, a maximum of 10.4 dwelling units per acre, 4.8 assisted living units per acre, a minimum 42-foot front yard setback, minimum 90-foot side yard setback, minimum 30-foot rear yard setback, and a maximum total impervious surface coverage of 40%.

## **Evaluation of the Potential Impacts**

This evaluation of impacts is based on information provided in the Full Environmental Assessment Form (FEAF) Part 1 and Part 2, the revised proposed PUD regulations, the Technical Memorandum dated October 26, 2017 and the revised PUD Concept Plans. Based on Part 1 of the FEAF prepared by the Applicant, reports by the Village's consultants, and the additional information provided by the Applicant on the PUD concept plans and in the Technical Memorandum, Part 2 of the FEAF was completed.

Part 2 of the FEAF indicates that there would be moderate to large adverse impacts created by the proposed zoning changes and the PUD concept plans with respect to land, surface water, groundwater, flooding, vegetation, aesthetic resources, transportation, energy, noise, human health, consistency with community plans, and consistency with community character. The Board of Trustees, acting as Lead Agency, hereby determines that the Proposed Action may have the following significant adverse environmental impacts and a Draft Environmental Impact Statement (DEIS) should be prepared to evaluate these impacts:

**1. Land: The Proposed Action may have a significant adverse environmental impact as a result of physical change to the project site.**

Significant impacts may occur because:

- Construction will occur on land areas where the depth to the water table may be less than 3 feet.
- Construction will occur on steep slopes or create approximately 2.71 acres of slopes greater than 15%.
- Construction will continue for more than 1 year.
- There may be erosion from grading, filling, slope disturbance and removal of vegetation, including the removal of 209 trees that are 6-inch to 34-inch DBH, of which 131 trees are regulated by the Village Code at 10-inch DBH and greater with 6 classified as "significant" trees. The plan would raise the grade of the eastern half of the site by at least 2 feet to as much as 14 feet and reduce the grade of the site adjacent to Wetland A by 3 to 8 feet. The grading plan would require the importation of at least 9,000 cubic yards of fill.

**2. Surface Water: The Proposed Action may have a significant adverse environmental impact on surface water quality or quantity.**

Significant impacts may occur because:

- Upland erosion or run-off may cause turbidity to streams or wetlands. There is a concern the significant grade alterations proposed may affect the hydrology and functionality of at least two of the wetlands and streams on the lot.
- Construction may cause soil erosion or create stormwater discharge that may lead to siltation.
- Water quality downstream or on the site may be affected.

**3. Groundwater: The Proposed Action may have a significant adverse environmental impact on groundwater quality or quantity.**

Significant impacts may occur because:

- There is a potential for blasting or other forms of rock removal during construction.
- There is a potential for dewatering and/or processing of excavated materials on the site during construction.

**4. Flooding: The Proposed Action may have a significant adverse environmental impact on flooding.**

Significant impacts may occur because:

- The project may result in or require modification of existing drainage flows or patterns.
5. **Vegetation: The Proposed Action may have a significant adverse impact on vegetation.**

Significant impacts may occur because:

- Grading and filling operations will disturb 13.17 acres of the 17.77-acre site leaving only 4.60 acres undisturbed. 3.36 acres of the undisturbed area are wetlands, which leaves only 1.24 acres of existing upland vegetation undisturbed after construction.
  - The layout and grading plan will require removal of at least 209 6-inch to 34-inch DBH trees from the site. 131 of the trees removed are regulated by the Village Code, and 6 of these trees are considered "significant" trees. The removal such a large number of trees may cause significant adverse impacts to the existing vegetation, the stability of soils, wetland and wetland buffers.
6. **Aesthetic Resources: The Proposed Action may have a significant adverse environmental impact on aesthetic resources.**

Significant impacts may occur because:

- The project may be visible from the Hutchison River/Merritt Parkway, a designated scenic highway.
  - The project may diminish public enjoyment of the scenic resource.
  - The project may be visible from other publically accessible vantage points.
7. **Transportation: The Proposed Action may have a significant adverse environmental impact on transportation.**

Significant impacts may occur because:

- The project may alter the present pattern of movement of people or goods.
- There will be an increase in traffic volume and a change in traffic patterns during construction. The grading plan will require the importation of at least 9,000 cubic yards of fill that will add a substantial number of trucks to the vehicles entering and leaving the site during construction lasting more than one year.
- The office building has been significantly underutilized for many years. The project may significantly increase traffic levels above existing conditions.

**8. Energy: The Proposed Action may have a significant adverse environmental impact on energy.**

Significant impacts may occur because:

- The project involves heating and cooling more than 100,000 square feet of building area. The buildings proposed in the PUD concept plans have a combined total gross floor area of approximately 445,000 sq. ft.

**9. Noise: The Proposed Action may have a significant adverse environmental impact as a result of objectionable noise.**

Significant impacts may occur because:

- During and after construction the project may produce sound above typical noise levels for nearby residences. After construction, the HVAC systems of the project may increase noise emissions from the site.
- The project may increase noise levels at the Blind Brook High School campus during construction.

**10. Human Health: The Proposed Action may have a significant adverse environmental impact on human health.**

Significant impacts may occur because:

- The project is located adjacent to the Blind Brook High School campus and Harkness Park.
- Demolition of the existing building may cause the release of hazardous materials into the environment during construction, including but not limited to asbestos.

**11. Consistency with Community Plans: The Proposed Action may have a significant adverse environmental impact because it is inconsistent with some of the adopted community plans.**

Significant impacts may occur because:

- The project may cause the Village population to increase by more than 5%.
- The project is partially inconsistent with local land use plans. The proposed zoning amendments increase the allowable gross floor area in the PUD from 9,000 sq. ft. to 26,000 sq. ft. per acre, and the density from 6 residential units per acre to 10.4 independent living units plus 4.8 assisted living units per acre. While the Village Comprehensive Plan calls for adjusting the existing density requirement for residential uses to be less restrictive, the recommendation limits the density

adjustment to one that “maintains Rye Brook’s low-density character.” The project is not consistent with this policy and the deviation may create a significant adverse impact on community plans and character as a result.

- The project is inconsistent with existing residential zoning in the PUD district and other residential districts. The proposed zoning amendments increase the allowable gross floor area in the PUD from 9,000 sq. ft. to 26,000 sq. ft. per acre, and the density from 6 residential units per acre to 10.4 independent living units plus 4.8 assisted living units per acre. The project would allow a building size and scale that is not consistent with the other residential buildings in the Village.
- The increased allowable gross floor area and density proposed may induce secondary residential development elsewhere in the community.

**12. Consistency with Community Character: The Proposed Action may have a significant adverse environmental impact because it is inconsistent with community character.**

Significant impacts may occur because:

- The project may cause a demand for additional community services, including but not limited to increased demand on emergency services.
- The project is inconsistent with the predominant residential architectural scale and character of the Village. There are no large-scale, multi-family, apartment buildings in the Village comparable to the proposed project. The project, including the zoning amendments, may have a significant adverse impact on the community character of the Village.

Based upon all the information currently before the Board of Trustees, including the Full Environmental Assessment Form, the Board of Trustees finds that the Proposed Action may have significant adverse impacts on the areas of environmental concern set forth above and directs preparation of a Draft Environmental Impact Statement following the adoption of a Final Scope pursuant to SEQRA.