

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

Date of Adoption: _____, 2017

Implementing Regulations: 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.

Conclusion: The Town of Ossining Planning Board, 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.

Name of Action: Butler Subdivision

SEQRA Status: Unlisted Action

Conditioned Negative Declaration: No

Description of Action: The Proposed Action consists of the subdivision of an existing lot into two building lots, the subsequent improvement of the new lot with a one-family residence and related Site improvements (the "Project" or "Proposed Action"). The Proposed Action also includes the issuance of a variance by the Town Zoning Board of Appeals for the lack of required street frontage for the lot on which the new home would be located.

Location: 2 Hillcrest Drive, Town of Ossining, Westchester County; Section 90.19, Block 2, Lot 59 on the Town tax maps (the "Site" or "Subject Property").

Reasons Supporting This Determination:

1. **The Proposed Action will not have a significant adverse environmental impact with respect to the construction on, or physical alteration of, the land surface of any properties.**

The land surface of the Project area will be preserved as much as possible during construction of the proposed home and driveway. The Proposed Action will not involve the excavation or removal of more than 1,000 tons of natural material. The Applicant will provide a detailed Erosion and Sediment Control Plan to minimize and control erosion. The Project will not involve construction on land where depth to the water table is less than three feet. The Proposed Action is not located within a Coastal Erosion Hazard area.

During the course of the Planning Board's review and in response to input from the Planning Board and the public, the Applicant reduced the scope of the Proposed Action. Although the Applicant originally sought approvals in connection with a 3-lot subdivision, the Applicant amended its application to reduce the proposed subdivision to 2 lots. In addition, the Applicant revised its plans to locate the new proposed single-family home in an area of the proposed lot that will not be intrusive to the existing homes surrounding the proposed subdivision and at an elevation that will not create adverse visual impacts.

- 2. The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual land forms.**

There are no unique or unusual land forms present in the Project area. The Project area is not adjacent to any geological feature listed as a registered National Natural Landmark.

- 3. The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies.**

The Proposed Action will not result on the alteration of, or encroachment into any existing wetland, water body, shoreline or beach. The Proposed Action will not create any new water body, and will not result in an increase or decrease of the surface area of any body of water. Although a small portion of the property is within the 100-foot wetland buffer area, no disturbance of such area is being proposed and no improvements are proposed to be located within the buffer area.

There will be no dredging in the Project area. The Proposed Action will not include construction of any intake for withdrawal of water from surface water, or the construction of any outfall for discharge of wastewater to surface water.

The Applicant will provide a detailed Erosion and Sediment Control Plan to ensure that there is no erosion of the soil, or creation of a source of stormwater discharge that leads to siltation or other degradation of receiving water bodies. The Project does not involve excavation, mining or dredging during construction, and will not create turbidity in any water body, either from upland erosion, runoff or by disturbing bottom sediments. There will be no application of pesticides or herbicides in or around any water body by the Project. The Project will not affect the water quality of any water bodies within or downstream of the Site. The wastewater generated by the Project is within the capacity of existing treatment facilities.

- 4. The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or an aquifer.**

The Project is located within the Town of Ossining Water District and a Town of Ossining Sewer District. If the Project is approved, the new home will be connected to the existing public water distribution system and to an underground septicsanitary sewer systems. The Project will not require new water supply wells, as the existing public water system can accommodate the expected needs of the new home.

During the course of the Planning Board's review and in response to input from the Planning Board and the public, the Applicant relocated the primary and expansion septic areas on the proposed lot in a manner that will make the septic system unobtrusive to the existing adjacent home(s) so as to not create adverse visual impacts.

Land uses of this type are not associated with the discharge of contaminants into aquifers or other ground water sources. There will be no bulk storage of petroleum or chemicals on-Site. The Project does not include or require wastewater discharged to ground water, and is not located within 100 feet of potable drinking water or irrigation sources.

5. The Proposed Action will not have a significant adverse environmental impact with respect to drainage or the development of lands subject to flooding.

The Project will not result in development in a designated floodway, a 100-year floodplain or a 500-year floodplain. There will be no modification of existing drainage patterns or any change to water flows that will contribute to flooding.

6. The Proposed Action will not have a significant adverse environmental impact on any State regulated air emission source.

There is no State-regulated air emission source associated with the Proposed Action. The Project does not require Federal or State air emission permits and will not emit one or more greenhouse gases at or above the following levels:

- a. More than 1,000 tons/year of carbon dioxide (CO₂)
- b. More than 3.5 tons/year of nitrous oxide (N₂O)
- c. More than 1,000 tons/year of carbon equivalent of perfluorocarbons (PFCs)
- d. More than 0.045 tons/year of sulfur hexafluoride (SF₆)
- e. More than 1,000 tons/year of carbon dioxide equivalent of Hydrochloroflourocarbons (HFCs) emissions
- f. More than 43 tons/year or more of methane

The Project will not generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants, or reach 50% of any of these thresholds.

The Project will not require a State air registration, or produce an emissions rate of total contaminants that exceed 5 lbs. per hour, or include a heat source capable of producing more than 10 million BTUs per hour, or reach 50% of any of these thresholds. Also, the Proposed Action will not result in the combustion or thermal treatment of more than one ton of refuse per hour.

7. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna.

The Project will not cause reduction in population or loss of any threatened or endangered species, listed by New York State or the Federal government, as there is no such species in the Project area. The Project will not result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the Federal government, as the Project area is not a habitat for such species. The Project will not cause a reduction in the population of any species of special concern or conservation need, as listed by New York State or the Federal government, because there are no such species that use the Site, or are found on, over or near the Site.

The Project area is not registered as a National Natural Landmark. The Project will not result in the removal of, or ground disturbance in, any portion of a designated significant natural community. There are no predominant species that occupy or use the Project area for nesting/breeding, foraging or over-wintering. The Proposed Action does not require the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.

8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources.

The Project Site does not contain agricultural resources, and there are no agricultural uses in the immediate vicinity. The Proposed Action will not sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.). No excavation or compaction of the soil profile of any active agricultural land is proposed. The Proposed Action will not convert any agricultural land to a non-agricultural use. The Proposed Action will not disrupt or prevent installation of any agricultural land management system, or result, directly or indirectly, in increased development potential or pressure on farmland. The Town of Ossining has not designated the Project area as part of a Farmland Protection Plan.

9. The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources.

The Project area does not contain any scenic or aesthetic resources. The Project area is not visible from any officially designated Federal, State or local scenic or aesthetic

resource. The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visible from any publicly accessible vantage points either seasonally or year round. The Project will not diminish the public enjoyment or appreciation of any aesthetic resource.

10. The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources.

There are no known historic or archaeological resources in the Project area. The Project area is not wholly or partially within, or substantially contiguous to, any building, archaeological Site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. In addition, the Project area is not wholly or partially within, or substantially contiguous to, any area designated as sensitive for archaeological Sites on the NY State Historic Preservation Office (SHPO) archaeological Site inventory. The Proposed Action will not occur wholly or partially within, or substantially contiguous to, any known archaeological Site included on the NY SHPO inventory.

11. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource as designated in any adopted municipal open space plan.

The Town of Ossining has not designated the Project area as open space. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental area (CEA).

There are no Critical Environmental areas in or adjacent to the Project.

13. The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.

The additional traffic generated by the one new home will not significantly impact the surrounding roadways. The Proposed Action will not result in a drop in the Level of Service of surrounding roadways. The Proposed Action will not degrade existing transit access or existing pedestrian/bicycle accommodations.

14. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy.

The existing energy infrastructure would continue to serve the Project area and enough surplus exists to meet potential demand. The Proposed Action does not require a new, or an upgrade to any existing substation.

- 15. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting.**

Noise impacts associated with the new home will be limited to temporary impacts generated during construction. These impacts will be mitigated by limiting the hours of construction. In addition, there are no significant noise impacts anticipated post-construction. The Proposed Action is not anticipated to generate any noxious odors.

- 16. The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

The Project area is free of any known existing contamination, is not undergoing remediation and there are no new contamination sources or hazardous waste associated with the Proposed Action.

- 17. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with adopted land use plans.**

The Project is located in the R-30 One Family Residence District of the Town, and is a permitted use in the district. The Proposed Action will not cause the permanent population of the Town to grow by more than 5% as only a one-family residence is proposed to be created by the Project. The Proposed Action is supported by existing infrastructure and no secondary development impacts are proposed or expected.

- 18. The Proposed Action will not have a significant adverse environmental impact upon community services or as a result of being inconsistent with the existing community character.**

The Proposed Action is consistent with the existing community character. The Proposed Action will not replace or eliminate existing facilities, structures, areas of historic importance to the community, or create significant adverse demand for additional community services (e.g., schools, police and fire), as the capacity of existing community services are expected to be adequate.

Based upon this information and the information in the Full Environmental Assessment Form, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

SEQRA Negative Declaration

Lead Agency:

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For Further Information:

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