

Date: January 24, 2023

1. Land
2. Water

3. Plants & Animals
4. Aesthetic Resources
5. Transportation
6. Neighborhood Character

(b) Analysis of the issues identified and elaboration of the basis and reason for this determination that there will not be a significant impact on the areas of the environment identified in Section (a).

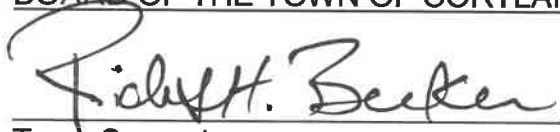
1. Land: The proposed action itself causes no direct physical changes to the land as it is a legislative act of the town. Recognizing that the area is currently zoned for highway commercial uses, the nature of the proposed new AWE district would not significantly change the type or magnitude of impact on land.
2. Water: The proposed action itself causes no direct physical changes to water as it is a legislative act of the town. The proposed action is centered around the lands adjacent to the Annsville embayment (that is almost entirely separated from the Hudson River by the railroad corridor). The low-lying areas around Annsville Creek are within potential flood hazard zones as identified by flood hazard mapping. The town's code includes a chapter on flood damage prevention to help reduce and minimize potential and/or actual damages from flooding and erosion and future projects subject to the proposed action will need to be in compliance with the town's code to ensure that adverse impacts are avoided and minimized. The area is not served by public water or public sewers and existing development relies on private wells and septic systems for water supply and wastewater treatment, respectively. The town is currently conducting an engineering analysis for public water supply and sewers for the area. If the area were fully sewerred, approximately 200,000 gallons is the estimated average daily flow. Ideally, the availability of those water supply and sewer services would be beneficial in terms of protecting groundwater resources.
3. Plants & Animals: The proposed action itself causes no direct physical changes to Plants & Animals as it is a legislative act of the town. The area of the proposed action is predominantly cleared of natural or naturalized vegetation. The shoreline corridor is an area that is subject to the design guidelines and includes requirements for the preservation of existing vegetation/planting of new/additional vegetation which will be a beneficial impact to plants and animals. The subject area is in the state Coastal Area and is the Hudson Highlands Significant Coastal Fish and Wildlife Habitat area and is part of the Hudson River estuary a tidal river habitat. The Hudson River estuary is a productive and globally-significant water body, supporting important population of fish and wildlife, as well as rare communities and plants. The Town of Cortlandt lies toward the lower reach of the Hudson River estuary and this reach of river supports a variety of marine, brackish, and freshwater communities including spawning migratory and nursery habitat for anadromous, estuarine, and freshwater fish, important winter feeding and roosting areas for the bald eagle and globally and regionally rare brackish and freshwater tidal communities and plants. Annsville Creek area includes important/rare habitat and significant natural communities including brackish intertidal mudflats. The proposed action is intended to recognize and be protective of any fish and wildlife habitats and that any projects developed subsequently would need to ensure these habitat areas are protected.

4. Aesthetic Resources: The proposed action itself causes no direct physical changes Aesthetic Resources as it is a legislative act of the town. A statewide area of scenic significance (SASS), the "Hudson Highlands" SASS, covers the northern portion of the town including the Annsville area. The proposed action advances the purpose of the SASS and includes provisions that incentivize ways to improve the aesthetics of the study area through attractive new mixed-used developments and related streetscape improvements that follow traditional main street design guidelines.
5. Transportation: The proposed action itself causes no direct physical changes Transportation as it is a legislative act of the town. From a traffic generation perspective—large-scale retail uses that are permitted in the highway commercial (HC) district would potentially generate several times the average daily traffic generated by a multi-family residential development at the maximum density permitted by the proposed new AWE district. Hence, there is not expected to be any additional traffic impact for the proposed zoning change in relation to the potential traffic impact under the existing zoning conditions. Further, as any multi-family or mixed-use project would require site plan review and review under the provisions of the AWE district, the planning board would require a complete traffic impact analysis. Such analysis would typically include a traffic impact review in accordance with the recommended guidelines and practices outlined by the Institute of Transportation Engineers (ITE) and as further supplemented by a specific scope of work developed by the town review agency. Traffic analysis requirements would include any appropriate site and project-specific research including but not limited to field study traffic data collection, determination of existing and expected traffic volumes and timing of traffic flows, intersection capacity analysis, evaluation of pedestrian and bicycle traffic facilities and needs, transit service requirements, parking requirements and other procedures to determine the capacity of existing facilities, and any required improvements or other appropriate mitigation measures. Such work would be overseen by town professional staff and town consultants as necessary and would include such traffic analysis and mitigation recommendations be performed by a professional engineer qualified for traffic and transportation facility design licensed in the State of New York. In conclusion, the proposed zoning provides for additional potential for development of multi-family residential uses which is currently not permitted in the existing HC district. While there may be potential for additional traffic associated with increased residential development, it is not expected to be significantly greater than the potential traffic that could be generated by uses that are currently permitted in the HC zoning district. Recognizing that the proposed zoning action does not create any direct traffic impact, and the fact that extensive traffic impact analysis and mitigation can appropriately addressed for any particular project on a site-specific basis, there is not expected to be any potential significant adverse traffic impact from the proposed zoning amendment. Further, with the incentives included in the proposed zoning for development of sidewalks and a waterfront pathway system, the overall transportation impacts are expected to be beneficial.
6. Neighborhood Character: The proposed action itself causes no direct physical changes to Neighborhood Character as it is a legislative act of the town. The proposed action re-affirms the goals outlined in the town's comprehensive plan for improving the character of the community. Adopting and implementing the AWE will

align the town zoning code with the goals of the town comprehensive plan and will create incentives to improve the character of the Annsville hamlet. The potential growth and development was scaled to fit into the natural characteristics of the area including consideration of increased heights of buildings that would complement and be compatible with the rock cuts and taller hillsides of the area. The blend of attractive architecture with the hillsides of the Annsville hamlet as a backdrop is expected to provide an compatible visual environment for a hamlet setting in the Hudson River valley and is in conformance with its recognition as a critical environmental area. The AWE district is expected to improve how growth can reasonably accommodated through development design standards.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF CORTLANDT HELD ON JANUARY 24, 2023.


Town Supervisor

1/26/2023
Date

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

- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- Appropriate Regional Office of the Department of Environmental Conservation.
- Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
- Applicant (if any)
- Other involved agencies (if any)

APPROVED
TOWN ATTORNEY
Date: 1/26/23
