
ENVIRONMENTAL ASSESSMENT FORM (EAF) SUPPLEMENT

Annsville Waterfront Enhancement District
Adoption of Annsville Waterfront Enhancement (AWE) District and Associated
Town Zoning Code and Zoning Map Amendments



Town of Cortlandt, Westchester County, New York
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Lead Agency

Town Board, Town of Cortlandt
Town Hall
1 Heady Street
Cortlandt Manor, NY 10567

Contact Person for Lead Agency
Chris Kehoe, AICP, Director
Department of Planning & Community Development
Town of Cortlandt
1 Heady Street
Cortlandt Manor, New York 10567
chrisk@townofcortlandt.com
914-734-1081

Prepared by:



Behan Planning and Design
112 Spring Street, Suite 305
Saratoga Springs, New York 12866
info@behanplanning.com

With

BFJ Planning

115 5th Ave, New York, NY 10003

**EAF Supplement
Annsville Waterfront Enhancement District
Adoption of Zoning District and Associated
Town Zoning Code and Zoning Map Amendments**

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1.0 BACKGROUND AND PURPOSE OF THE PROPOSED ACTION

The Town of Cortlandt seeks to revitalize the Annsville hamlet waterfront area by incentivizing the transformation of their historic corridor and gateway to the town from a highway-oriented and motor vehicle-oriented land use pattern into a more people-oriented destination where the natural, cultural, and scenic resources of the Annsville hamlet can be appreciated in a range of attractive and revitalized commercial, residential, and mixed-use settings.

The town recognizes this district has not developed into a vibrant waterfront district as envisioned in the town's comprehensive plan, and other town planning studies and programs, due in large part to lack of sewers, public water supply, waterfront trails and amenities and other infrastructure and community amenity needs. To address this shortcoming, a system of zoning incentives has been developed and a modification to the town zoning ordinance is proposed as it applies to the Highway Commercial District (HC) in the Annsville hamlet.

This proposed zoning is considered necessary and appropriate to advance policies toward the physical improvement of the Annsville area and advance town goals as expressed in the town comprehensive plan.



2.0 DESCRIPTION OF THE PROPOSED ACTION

Description of the Proposed Action

This proposed action involves the adoption of amendments to Chapter 307—Zoning, of the Town of Cortlandt Code to implement the development standards and design guidelines for the new Annsville Waterfront Enhancement (AWE) zoning district and a related amendment to the Town Zoning Map for the affected properties. The proposed zoning change is considered a Type 1 Action as it meets the criteria for classification as Type 1 action per the SEQR regulations (at 6 CRR-NY 617.4).

This document considers a set of revisions to the Town of Cortlandt Zoning Ordinance to establish a new zoning district to be limited to the area currently zoned Highway Commercial, which is essentially the land along the highway corridors surrounding the waterfront area of the Annsville hamlet (see Zoning Map proposed). This document then provides an analysis of the anticipated environmental impacts (both adverse and beneficial) of the establishment of this district.

Purposes of the AWE District. The proposed amendment will advance the following purposes:

1. Promote desirable balance of land uses along Annsville Creek, including commercial and water-dependent and water-enhanced business uses.
2. Encourage high-quality development, fitting for this important gateway to the Town.
3. Expand public access along the water's edge.
4. Support rehabilitation and protection of the natural resources of Annsville Creek.
5. Develop residential uses where such development advances the purposes set forth herein.
6. To encourage investment in infrastructure and other amenities that support smart growth of the area.
7. Provide expanded opportunities and incentives to secure affordable housing for Town residents.
8. Ensure consistency with Town's Comprehensive Plan and other local plans.

The proposed district provides a system of zoning incentives to advance the town's specific physical, cultural and social policies in accordance with the town's comprehensive plan and in coordination with other community planning mechanisms and land use techniques to secure a more vibrant, attractive, and sustainable district for the Annsville waterfront area.

Design Principles. The proposed zoning language includes a set of design principals intended to inform planning for new investment in the area. The design principals address the following topics that are intended to help advance the town's comprehensive plan mitigate potential adverse impacts. These topics include:

1. Design for a human scale.
2. Establish a physical and visual connection to the waterfront.
3. Create a scale of development that is appropriate for the setting.



4. Create a welcoming streetscape using traditional town planning and design elements.
5. Commercial development shall provide traditional “Main Street” design elements.
6. Design with nature in mind.

Design Guidelines. Design guidelines are provided in the proposed zoning amendment. The guidelines will help ensure projects add to the community character and fit the environmental setting.

Site Analysis Required. A site analysis is required for all applications seeking site plan review. The site analysis shall be conducted by a licensed design professional (professional landscape architect, architect or engineer) who shall illustrate the following existing site characteristics on a scale plan of the property for use by the planning board in considering the proposed development design.

Additional provisions are included in the design guidelines to help projects add to the community character and mitigate potential impacts. Site plan layouts are required to be designed to convey an attractive, waterfront setting, with views to the water and limited visibility of larger parking areas. Additional provisions to protect the environment include the following:

- a) Preserve large areas of natural waterfront landscape including existing mature trees where possible, to be incorporated into the site plan.
- b) At least 25% of the site should include pervious services, with landscaped and planted areas.
- c) Parking areas shall be located in the rear, side or under the building structure as much as possible, with limited side or front yard convenience parking provided as necessary and as approved by the planning board.
- d) The main public entry to the building shall face the public road unless building is on an internal lot without frontage on a public way, and shall be visibly apparent with the use of architectural features which accentuate its importance.
- e) Driveway access into the site shall be limited to a single curb cut wherever possible, or the minimum width and curb radius necessary to reasonably accommodate vehicles. Two access points may be permitted on a single parcel if shared cross access provisions are in place with adjacent property owners, employed using approved easements.
- f) Distances between curb cuts on US Routes 9/202 shall be maximized to the greatest extent possible, or combined into a shared driveway.
- g) It is recommended that new construction should orient buildings and rooflines to accommodate existing (or future) solar panel installations with direct southern exposures.

The guidelines also address other important elements inherently intended to reduce environmental impacts including:

- Site landscaping and plantings.
- Stormwater management systems.
- Pedestrian and Bicycle Access.
- Parking provisions and reduction of potential impacts.
- Architectural character.



- Building entrances, scale, massing and facade materials.
- Signs and exterior lighting.

Amenities and Zoning Incentives. A series of incentives have been included in the proposed zoning amendment provided to encourage investment in infrastructure and other amenities that support smart growth of the area. To be eligible for additional uses and dimensional bonuses provided for in the four sub-areas, applicants for must comply with a set of standards to ensure adequate infrastructure and design requirements are met.

The zoning incentives provide a set of allowable bonuses for height and/or density established in each of the four subdistricts. These include:

AWE-1 (Annsville Circle): Additional building height, not to exceed 70 feet maximum height.

AWE-2 (Properties on upland side of Route 9): Additional density up to a maximum of 15 units/acre total, and up to 4 stories and 50 feet in total height

AWE-3 (Properties fronting waterfront on east/south side of Route 9): Additional density up to a maximum of 15 units/acre total

AWE-4 (Properties fronting Albany post road) Additional density up to a maximum of 20 units/acre total, or Additional density up to a maximum of 40 units/acre total, and a maximum height of 5 stories and 55 feet (whichever is less) if proposed project includes the provision of a publicly accessible waterfront walkway, created through the dedication of a permanent public waterfront access easement or other acceptable instrument.

The bonus height or density increase may be granted to developments as an incentive for added investment in the AWE District and shall include a cash payment to the Town to be placed in a fund for municipal improvements within the AWE District, including but not limited to water and sewer, stormwater management, and flood control; sidewalk or waterfront walkway improvements. Any requested increase in density and or height shall be commensurate with the amenity or benefit provided.

The applicant can substitute a portion or all of required cash payment by providing public amenities including infrastructure improvements in the AWE district, supplemental to what is required to support the subject project. Buildings eligible for bonus height may be required by the Planning Board to incorporate setbacks and/or step-backs, or other measures to reduce visual impacts as appropriate.

Incentive Payment. Incentive Payment for additional residential density are scaled as follows:

- (a) \$5,000 per unit for each additional unit beyond the base scenario for projects greater than 5 and less than 10 units per acre
- (b) \$7,500 per unit for each additional unit beyond the base scenario for projects between 11 and 20 units per acre
- (c) \$10,000 per unit for each additional unit beyond the base scenario for projects between 21 and 30 units per acre.
- (d) \$15,000 per unit for each additional unit beyond the base scenario for projects greater than



30 units per acre.

(e) Fees would be waived for affordable units provided by proposed project. Waivers shall not exceed 40% of the total number of units. Example calculation: In 2-acre site in AWE-2, an applicant could build 10 units in the base scenario and 30 units with the incentive bonus, which would include the provision of 3 affordable units. The amenity payment would be for 17 additional units.

(2) Incentive Payment for additional commercial space. The amenity payment schedule is as follows for commercial uses:

(a) \$15,000 per additional 1,000 square feet of built area over the base scenario, calculated fractionally.

If the applicant proposes to substitute a portion or all of the cash payment with the provision of additional infrastructure or another public benefit within the district. In this instance, the application would be referred to the Town Board to determine whether the proposed amenity(ies) provided are commensurate with the required cash payment for the zoning incentive requested.

Waterfront Promenade. Provision for publicly accessible “waterfront promenade” is required for waterfront properties that propose to take advantage of the incentive zoning system. The promenade is intended to create a unique and beautiful waterfront passage parallel to Annsville Creek shoreline with minimal intrusion into the natural landscape, adding points of interest and design features which provide a continuity of interest and add to the economic value and attractiveness of the area. The promenade would be designed to fit the unique setting of individual properties and when completed, would advance a long-held town, county and regional goal of creating a contiguous greenway or Riverwalk along the Westchester County riverfront. The promenade should be approximately 10 - 15 feet wide, with drainage swales or buffers along either side.

The provision for the promenade is considered an important beneficial impact of the proposed zoning action.

The proposed action does not involve any physical development, but is limited to amendments of the town zoning ordinance and map; no physical changes in the Annsville area will occur, so that no impacts would result from the proposed action. In the future, as specific development applications in the AWE district are submitted, the lead agency and any involved agencies will evaluate the potential impacts of each proposal, as required by the state environmental quality review (SEQR) process.



3. ENVIRONMENTAL SETTING DISCUSSION AND ASSESSMENT OF POTENTIAL ENVIRONMENTAL IMPACTS

A full environmental assessment form has been prepared to assess potential environmental impacts from the proposed action (See Attachment). As evaluated herein, limited or no adverse impacts are expected from the proposed zoning amendments. Potential impacts that have been identified can be avoided, mitigated, and/or are considered minor. The following narrative discusses and evaluates potential impacts of the proposed action.

Overview. The Metro-North Railroad line along the Hudson River shoreline creates an artificial boundary between Annsville Creek and its historic hamlet—which provides a waterfront setting for the proposed Annsville Waterfront Enhancement District. Annsville hamlet currently is zoned highway commercial and is a gateway area into the town from NYS Route 9 and the Bear Mountain Bridge Road (NYS Route 202). The area contains a few commercial and industrial properties, some of which are either vacant or derelict and detract from the visual character of the area. This issue has been identified in various studies and grants to plan, design and implement enhancements.

The town’s comprehensive plan and ongoing local waterfront revitalization program initiative each have identified a common goal to create a new waterfront tourism-oriented gateway area for Annsville that allows water-dependent and water-enhanced uses and to link with the existing trails and recreational features that already exist in the gateway. Several projects have been completed in this gateway area including:

- The reconstruction of the existing Mobil Gas Station/Convenience Store with site appropriate architectural details, nautical themed improvements such as the rope guiderails and enhanced landscaping.
- Renovations and site improvements to Table 9 Restaurant.
- The relocation of the New York State Department of Transportation (NYSDOT) garage and the construction of the New York State Paddlesport Center. The center includes the rehabilitated former NYSDOT garage building into a kayak center with kayak rentals and lessons, a porous pavement parking lot, landscape improvements, and access to the Annsville Creek.

Coming from the north, one enters into Annsville from the Bear Mountain Bridge Road, which is listed on the National Register of Historic Places, and provides impressive views of the Hudson River and the Hudson Highlands. This area, includes a portion of the Hudson Highlands Gateway Park, (a collaborative effort that led to the land purchase for the park purchase by the Town, Westchester County and Scenic Hudson in 2000), and includes walking trails and scenic vistas. There is a cluster of heavier intensity commercial uses near the mouth of Annsville Creek including several highway oriented businesses and construction/landscape company/outdoor storage yards located along the waterfront corridor that do not contribute to the future land use goals of the town. vacant and underutilized properties,



Overview

The Annsville hamlet has not developed in to the active hamlet center that that town has envisioned in its planning efforts. The intent of the proposed zoning is to create incentives for a sustainable development scenario that will lead to beneficial impacts and revitalizing an underutilized waterfront area, however, the lack of sewers (as well as central water service) has been perhaps a more critical constraint to the reasonable growth that has been envisioned for Annsville.

Without central sewers (and water) there is little likelihood that more intensive development would be attracted to Annsville (which is borne out by the fact that there has been practically no large-scale development in the corridor since 1994 when the HC zoning was put in place). Hence, in general, any extensive development under the proposed AWE zoning district is also very unlikely until sewers are in place. In the short term (i.e., the next +/- 5 years), the only area of the hamlet that does have sewer service availability and may potentially develop with the benefit of the proposed zoning is a small area at the eastern end of the Albany Post Road, adjacent to the City of Peekskill. This area has access to an existing sewer line (and is currently part of the sewer district) that connects to the Peekskill Treatment Plant operated by Westchester County.

Looking ahead, as the area is developed and revitalized as envisions, it is important to recognize that this would unfold over the long term. As a result, there would be plenty of time for the town planning board and staff to monitor growth and review impacts as projects come forward. Mitigation measures, if required, are available both through the environmental review process and through the mechanisms provided in the proposed zoning which empowers the planning board to establish limits on development density to ensure that any impacts are appropriately mitigated.

As an overview, the proposed action is considered to be of beneficial impact and advances many local and regional goals including revitalizing the Hudson River waterfront area, incentivizing affordable housing opportunities, and providing enhanced pedestrian facilities along the waterfront and connecting the hamlet together. The incentive bonuses outlined within the AWE District will help to encourage infrastructure improvements that will improve the overall environment and quality-of-life in the district. This will ultimately help to increase foot traffic, further enhancing the business environment, neighborhood vitality, and increasing the area's general attractiveness for development.

For the Town, the proposed zoning changes offer the potential for net tax revenue increases relative to other costs. In terms of real estate tax revenues and incremental costs, such developments typically produce a net positive in tax revenue relative to municipal costs.

A more detailed discussion of potential impacts follows.



Impact on Land

The proposed action will not have a significant adverse environmental impact on 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. Most of the area in the district is currently developed or otherwise disturbed through current uses. The proposed zoning provides and creates incentives for revitalization of existing sites to include building, site and landscape improvements that will add to the community character and built environment as set forth in the provisions of the Annsville Waterfront Enhancement zoning district.

The proposed zoning language includes extensive development design guidelines that address broad range of topics that will help protect land resources as properties are developed/redeveloped. Administration of the guidelines insure that potential impacts can be mitigated through the town's site plan review process for development/redevelopment of properties in the district.

Further, other town and jurisdictional agency requirements must be addressed including drainage system design, erosion and sedimentation controls, water supply, wastewater collection and management, etc. in conformance to applicable engineering and planning standards. The proposed uses are expected to provide a desirable mix of land uses that will provide beneficial impacts to land use and add to the community assets and will help advance the goals and objectives of the town comprehensive plan.

Impact on Water

The proposed action will not have a significant adverse environmental impact on water.

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 bay is fed by 3 streams including Peekskill Hollow Creek, Sprout Brook and Annsville Creek. There is an unconfirmed mid-yield (10-100 gal/min) aquifer directly north of Peekskill. There are no NYSDEC regulated mapped wetlands (typically wetlands of 12.4 acres in size or larger) in the project area. There are smaller bordering vegetated wetlands along portions of Annsville Creek shoreline mapped by the USFWS as part of the National Wetland Inventory.

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. The capital costs of installing central water and sewers may be mitigated in part through the financial development incentives provided in the proposed zoning.

The proposed action will have no direct impact on water resources. It is expected that subsequent revitalization activities, which would be subject to required environmental review in the future, could potentially have a beneficial impact on water resources. The proposed action calls for increased landscaped areas and green spaces and will provide opportunities to preserve, stabilize, and restore natural shorelines and introduce trees, plantings, and naturalized stormwater management systems.

Further, the proposed action includes a set of incentives that will help advance provision of public sewer system improvements to the area including which would help reduce potential impacts to groundwater resources related to septic systems that would not be required with the extension of public sewers.

The town code and state regulations require that development must properly control stormwater and prevent erosion and sedimentation during construction and no significant adverse impact on water is expected.

Impact on Air

The proposed action will not have a significant adverse environmental impact on air resources.

Commercial and residential uses typical for the district are not generally considered to be significant generators of potentially toxic or hazardous air emissions. No large or significant impact to air resources was identified.

Implementation of the proposed action could potentially have a beneficial impact on air resources. Making the area more pedestrian friendly will encourage people to walk, rather than drive, between destinations in the study, thereby reducing automotive emissions.

Impact on Plants and Animals

The proposed action will not have a significant adverse environmental impact on plants and animals.



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 compatible with the goals and policies of these programs and there is no adverse impact anticipated from the adoption of the proposed zoning amendment to these resource areas. 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.

Impact on Agricultural Land Resources

The proposed action will not have a significant adverse environmental impact on agricultural land resources.

There is no active agricultural property in the study area.

Impact on Aesthetic Resources

The proposed action will not have a significant adverse environmental impact on aesthetic resources, but rather seeks to improve aesthetic resources in Annsville.

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.



The proposed zoning encourages the establishment of areas that take advantage of and enhance the existing aesthetic resources. Over time, the goal would be to replace the unattractive construction related and outdoor storage and vehicle storage uses with more aesthetically pleasing commercial and residential/mixed uses that take advantage of and add to the waterfront character of Annsville.

The proposed action includes incentives for an attractive, landscaped waterfront promenade that would add to the visual quality and amenities of the area.

Impact on Historic and Archeological Resources

The proposed action will not have a significant adverse environmental impact on historic and archaeological resources.

Based on a review of the New York State Office of Parks, Recreation and Historic Preservation's Cultural Resources Information System, there are no sites in the immediate project area listed on the National Register of Historic Places. Future development or redevelopment of sites subject to review by the town in the area of the proposed action will include a review and consideration for the presence and of and potential impacts on historic and archaeological resources. The potential for presence of these resources will be evaluated and assessed, and potential adverse impacts would be mitigated.

Impact on Open Space and Recreation

The Proposed Action will not have a significant adverse environmental impact on open space and recreation resources.

The proposed action creates incentives to provide publicly accessible open space via a waterfront promenade as part of future development projects. This is considered a beneficial impact.

Impact on Critical Environmental Areas

The proposed action will not have a significant adverse environmental impact on critical environmental areas (CEAs).

Westchester County CEA's in/near the project area include County and State parklands and the Hudson River shoreline areas. There is no significant adverse impact on these CEA's with the adoption of the proposed amendment to the town zoning ordinance.

Impact on Transportation

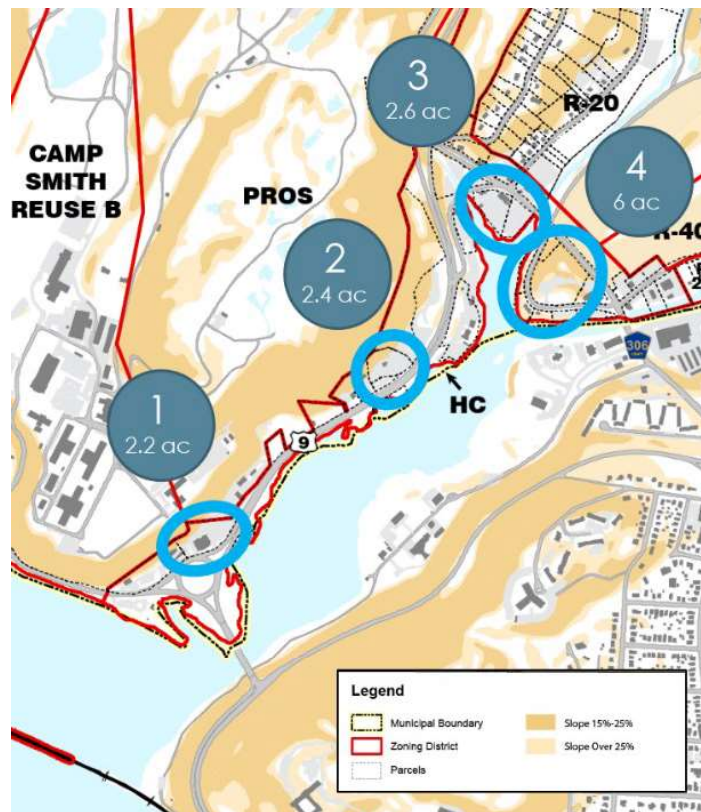
In order to consider more closely potential traffic impacts, a BFJ Planning conducted a traffic



impact analysis. As part of this analysis, estimates of potential development was required.

Within the Annsville Waterfront Enhancement District, there are several parcels that are considered to be more likely to be redeveloped. Many parcels, particularly those on the north side of Albany Post Road are already built-out, with limited opportunity for major new infill development or redevelopment of obsolete buildings or sites. Although a number of properties can be considered “underutilized” because they are not maximizing the floor area, coverage or building height allowable under current zoning, most of these sites are occupied by active, viable uses whose function is not expected to change. There are also several properties along the Annsville Creek that are constrained by environmental issues (i.e. wetlands and 100-year floodplain) and are on narrow parcels, and for the most part have current uses are therefore less likely to be redeveloped in a major way over the next decade or so.

There are however several “soft sites” that can be considered more “ripe” for development because they are presently vacant, are occupied by open storage of equipment which is not the highest and best use for the area, or the owner is known to have an interest in redevelopment. These include the properties shown in the figure to the right. To assess potential impacts of development that may result from the proposed zoning changes, these four soft sites were analyzed for their potential build-out under current versus proposed zoning.



These sites were chosen because they could be considered likely to be developed in the near future (next +/- decade—yet also recognizing all but one site (4) would require extension of public water and sewer to accommodate more intensive development), and because each can take advantage of each of the proposed development incentives, thus representing a relative maximum intensity of potential development, or a “maximum” scenario.

The build-out summary below shows a reasonable scenario of what could be built under the existing HC District compared to a low estimate and a high-estimate (maximum case) for each of the sites. This EAF analyzes the *difference* between the potential development for these sites under current zoning, and the maximum case under the proposed zoning amendments. The full build-out of these sites under the HC District would result in 228,828 square feet of highway commercial uses. The full build-out of these sites under the proposed AWE District would result in 303 residential units, 48,000 square feet of commercial, and 90 hotel units.

Development under Existing HC Zoning*		
	Commercial Square Feet	Description
Site 1	25,000	2 floor Quality Restaurant (Existing)
Site 2	30,000	1.5 floor shopping center
Site 3	40,000	1 floor shopping center, 1 floor office
Site 4	80,000	80,000 SF 1.5 floor shopping center
Total	175,000	

* - Buildout for HC District considers a maximum building coverage of 0.2 (floor-area-ratio), and a maximum height of 2.5 stories. For the sake of this analysis, 2 stories was used instead of 2.5.

AWE Build-out Low/Moderate Estimate				
	Residential Units	Commercial Square Feet	Hotel Units	Description
Site 1		10,000	50	50-unit hotel with ground floor dining/event space
Site 2	23	20,000		2.5 story mixed use with ground floor shopping center
Site 3	30	17,000		2.5 story mixed use with ground floor shopping center
Site 4	120	12,000		3 story midrise residential + 12,000 SF restaurant
Total	173	59,000	50	



AWE Build-out High Estimate				
	Residential Units	Commercial Square Feet	Hotel Units	Description
Site 1		12,000	90	90-unit hotel with ground floor dining/event space
Site 2	33	12,000		3 story mixed use with ground floor shopping center
Site 3	50	12,000		3-4 story mixed use with ground floor shopping center
Site 4	220	12,000		4 story midrise residential + 12,000 SF office
Total	303	48,000	90	

Build-out Scenarios

Site 1: 92 Roa Hook Road (Annsville Circle)

This 2.17 acre site is located along Route 9 adjacent to the Annsville Circle. The site is currently occupied by the Table 9 Restaurant; however, the owner of the site has indicated an interest to redevelop the property. Under the existing zoning, the property could support a +/- 38,000 square-foot 2-story building. With the proposed zoning change, it is estimated that the property could support a 90-room hotel with a 12,000 square foot conference/dining space. It is estimated that this hotel would be about 60,000 square feet and between 5-7 stories depending on the build-out. It is anticipated that a good portion of the parking would need to be accommodated within a structured garage.

Site 2: 46-52 Roa Hook Road

These three parcels (2.36 acres) located along Route 9 are currently occupied by open storage of equipment. Under the existing zoning, the property could support a +/- 30,000 square-foot 2-story shopping center (at 0.2 floor-area-ratio). With the proposed zoning change, it is estimated that the property could support a three-story mixed-use building (54,000 gross square-feet) with approximately 33 residential units and 12,000 square feet of ground floor retail.





92 Roa Hook Road (Annsville Circle)

Potential Hotel Build-Out (2.2 ac)

Low Estimate	High Estimate
• 50 Rooms	• 90 Rooms
• 10,000 SF	• 12,000 SF
• Conference/Dinina/ Common Space	• Conference/Dinina/ Common Space
• 4 stories	• 5-7 stories



46-52 Roa Hook Road

Low Estimate:

- 23 Units (9.7 units/ac)
- 20,000 SF Commercial
- 2.5 stories

High Estimate:

- 33 Units (14 units/ac)
- 12,000 SF Commercial
- 3 stories

Site 3: 5742 Albany Post Road

These two parcels (2.58 acres) located along Albany Post Road are currently occupied by open storage of equipment. Under the existing zoning, the property could support a 40,000 square-foot 2-story commercial building (at 0.2 floor-area-ratio). Anticipated uses could be ground floor retail with office on upper floors. With the proposed zoning change, it is estimated that the property could support a three-story mixed-use building with 50 residential units and 12,000 square feet of ground floor retail.

Site 4: 5716 Albany Post Road

This 6.03-acre area includes a large central vacant parcel along with several vacant or single-family parcels along the Annsville Creek. If consolidated, under the existing zoning the property could support a +/- 80,000 square-foot shopping center at 1.5 stories. With the proposed zoning change, and if a developer were to take advantage of the proposed incentives, it is estimated that the property could support a mixed-use community with 220 residential units and 12,000 square feet of ground floor office or retail.



Potential Mixed-Use Build-Out (2.6 ac)

Low Estimate

- 30 Units (11.5 units/ac)
- 17,000 SF Commercial
- 2 stories

Potential Residential Build-Out (6 ac)

- 150-220 units
- 3-5 stories

The traffic analysis reviews the potential traffic impacts at these four likely development sites; Sites 1 and 2 located on Route 9 adjacent to the Annsville Circle or north of the circle, and Sites 3 and 4 located on Albany Post Road. Traffic generation volumes were estimated for each site under reasonable build-out assumptions under existing commercial zoning and then under the proposed mixed-use zoning allowing also residential developments. Two future scenarios were tested, one Scenario A with a lower number of residential units and higher commercial floor area and scenario B with a greater number of multi-family units and lower commercial floor area.

Route 9 is a four-lane arterial in this area and further south, and narrows down to two lanes further north. Albany Post Road/Highland Avenue is a two-lane road with wide shoulders. Traffic counts conducted by the New York State Department of Transportation (NYSDOT) estimate daily traffic volumes of 15,300 vehicles on Route 9 and 9,200 vehicles on Albany Post Road/Highland Avenue. These estimates are based on automatic traffic recorder (ATR) counts conducted in 2019.

Traffic Generation

The trip generation calculates the number of new vehicle trips generated during the weekday AM and weekday PM peak hours. The estimates were calculated using the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition September 2021). The following tables 5 and 6 show the trip generation calculations for each for the four potential development sites. The number of trips generated is based on the building use and independent variable, such as number of dwelling units or gross square feet.

Table 5 shows the potential traffic generation for all four sites with reasonable build-out assumptions under existing zoning. For site 1 we assumed that the existing restaurant would remain on the site. It can be seen that the 4 sites would generate approximately 155 vehicle trips in the AM peak hour and 652 vehicle trips in the PM peak hour. The significant difference between the AM and PM traffic generation numbers is due to the fact that the retail and restaurant uses generate low volumes in the morning and high volumes in the evening. Note that the traffic generation calculations take into consideration the internal capture of trips that would be made in the mixed-use developments under existing zoning and also in Table 6 for the future zoning scenarios.



Table 5 Potential Traffic Generation under Existing Zoning

Development Assumptions under Existing HC Zoning						Traffic Generation (Vehicle Trips)													
Site	Description	Use 1		Use 2		AM PEAK HOUR						PM PEAK HOUR							
		Comm. SF	ITE Code	Comm. SF	ITE Code	Use 1			Use 2			Use 1			Use 2				
						IN	OUT	Subtotal	IN	OUT	Subtotal	TOTAL	IN	OUT	Subtotal	IN	OUT	Subtotal	TOTAL
Site 1	2 floor quality restaurant (existing)	25,000	931			9	9	18				18	131	64	195				195
Site 2	1.5 floor retail center	30,000	820			16	10	26				26	49	53	102				102
Site 3	1 floor retail center, 1 floor office	20,000	820	20,000	710	9	5	14	26	3	29	43	26	35	61	5	17	22	83
Site 4	1.5 floor retail center	80,000	820			42	26	68				68	131	141	272				272
Total		155,000		20,000								155							652

Table 6 below shows the same traffic generation calculations for the two development scenarios under the proposed new zoning.

Table 6 Potential Traffic Generation under Proposed Zoning

SCENARIO A BUILD OUT ASSUMPTIONS							AM PEAK HOUR VEHICLE TRIPS							PM PEAK HOUR VEHICLE TRIPS												
Site	Description	Commercial GSF	Residential ITE Code	Hotel Units	Use ITE Code	Use ITE Code	Commercial Use			Residential Use			Hotel Use			TOTAL	Commercial Use			Residential Use			Hotel Use			TOTAL
							IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT
Site 1	50 unit hotel with ground floor dining/event space	10,000	931		50	310	4	4	8			13	10	23	31	49	24	73			13	11	24	97		
Site 2	2.5 story mixed use with ground floor retail center	20,000	820	23	220		10	6	16	2	7	9			25	31	32	63	4	2	6			69		
Site 3	2.5 story mixed use with ground floor retail center	17,000	820	30	220		9	5	14	3	9	12			26	26	26	52	6	4	10			62		
Site 4	3 story mid rise residential + 12,000 SF restaurant	12,000	931	120	220		3	4	7	12	35	47			54	58	25	83	33	18	51			134		
Total		59,000		173		50									136									362		

SCENARIO B BUILD OUT ASSUMPTIONS							AM PEAK HOUR							PM PEAK HOUR												
Site	Description	Commercial GSF	Residential ITE Code	Hotel Units	Use ITE Code	Use ITE Code	Commercial Use			Residential Use			Hotel Use			TOTAL	Commercial Use			Residential Use			Hotel Use			TOTAL
							IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT	Subtotal	IN	OUT
Site 1	90 unit hotel with ground floor dining/event space	12,000	931		90	310	4	4	8			23	18	41	49	60	29	89			25	23	48	137		
Site 2	3 story mixed use with ground floor retail center	12,000	820	33	220		6	4	10	3	10	13			23	18	16	34	6	4	10			44		
Site 3	3-4 story mixed use with ground floor retail center	12,000	820	50	220		6	4	10	5	15	20			30	18	15	33	10	7	17			50		
Site 4	4 story mid rise residential + 12,000 SF office	12,000	710	220	221		15	2	17	8	46	54			71	2	14	16	41	13	54			70		
Total		48,000		303		90									173									301		

It can be seen that for the morning peak hour the traffic generation estimates for the proposed new zoning are roughly the same as for the existing zoning (Scenario A generates 19 fewer vehicle trips and Scenario B generates 18 more vehicle trips than the projected land uses under existing zoning). These differences are not significant given that they are spread over 4 sites and two arterial streets. For the PM peak hour, however, the proposed new zoning will generate significantly less traffic than current zoning would generate.



The difference will likely be in the range of 300 to 350 vehicle trips in the PM peak hour, a reduction in traffic load that will be felt locally. The proposed new zoning will likely encourage a slow evolution of the commercial area surrounding the intersection of Albany Post Road, Roa Hook Road and Sprout Brook Road from a highway commercial character to a more mixed-use character with some pedestrian activity.

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.



Impact on Energy

The proposed action will not have a significant adverse environmental impact on energy. The design guidelines in the proposed ordinance includes lighting guidelines to ensure adequate illumination without excessive lighting which can reduce energy use, glare, and night sky pollution. New construction is required to comply with the current building codes which include higher standards for energy conservation and efficiency as compared to older methods of construction and building system operations.

Town of Cortlandt been one of seven communities to be one of the original climate smart communities in New York State. Future projects subject to environmental quality review by the town must demonstrate adherence to Climate Smart Community Principles, which have a major focus on reducing impacts to energy resources and reduction of emissions of greenhouse gasses.

The inclusion of improved facilities for pedestrians and bus transit as part of the design guidelines is expected to encourage reduction in use of automobiles and a related reduction in energy use.

Additionally, the new buildings will be new construction, and therefore will need to comply with current energy efficiency codes and utilize more efficient heating/cooling and lighting systems. Moderate or large energy related impacts are not expected from the proposed zoning code amendments.

Noise and Odor Impact

There will be no noise or odor impact as a result of adopting the AWE.

Any future site-specific project would likely require an additional environmental review process, and would address any potential noise impacts at that time. At this time, no specific projects are proposed that would be anticipated to involve noise or odors.

Impact on Public Health

The proposed action will not have a significant adverse environmental impact on public health.

Setting forth short-term and long-term goals for increasing pedestrian connections would be a beneficial impact leading to improved public health.

Impact on Public School Enrollment

The proposed action will not have a significant adverse environmental impact on public school enrollment.



The proposed zoning provides for additional potential for development of multi-family residential uses which is currently not permitted in the existing HC district. There is not expected to be a significant adverse impact due to increased enrollments due to the potential for additional multi-family residential uses.

Annsville is located in the Lakeland Central School District, which serves areas within the towns of Yorktown, Cortlandt and Somers in Westchester County. In consideration of the small area of the AWE district, the number of potential new residential multi-family units would be in the range of approximately several hundred units, depending on the incentive requested for each site. The potential increase in the number of school-aged children potentially residing in the AWE district due to the potential multi-family development is not expected to be an issue for the school district given the declining enrollment at Lakeland CSD. Enrollment has dropped 622 students – a decline by almost 10% since 2013. Birth rates for Westchester have been declining since 2000 and this has relieved school enrollment pressure for many school districts. The number of public school children anticipated to be generated in the district from the proposed zoning change would be only represent a small percentage of the actual decline in the enrollment for the district. Hence, the multi-family uses allowed by the AWE district may help offset some of the enrollment decline in the school district, and as a result, this is considered a potential beneficial impact of the rezoning to help offset declining enrollments in the district.

Impact on Growth and Character of Community and Neighborhood

The proposed action will not have a significant adverse environmental impact on growth and community character, but rather would provide a beneficial impact as discussed.

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.



4. SEQR DETERMINATION OF SIGNIFICANCE AND REASONS SUPPORTING THIS DETERMINATION

Based on the EAF Parts 1 and 2, and this EAF Supplement, moderate or large scale impacts are not expected from the proposed action considering the zoning and development standards and controls that are in place and are proposed.

Overall, in summary, the proposed action by the Town of Cortlandt Town Board to adopt the AWE district will not have a significant adverse impact on the environment and the preparation and circulation of a negative declaration confirming the same is recommended.



Attachments—
Environmental Assessment Form and
Proposed Annsville Waterfront Enhancement
District amendment to town zoning ordinance.



**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Annsville Waterfront Enhancement (AWE) District: Amendment to Town of Cortlandt Zoning Ordinance		
Project Location (describe, and attach a general location map): Existing highway commercial district along U.S. Route 9 and Albany Post Road within the Annsville Hamlet in the Town of Cortlandt.		
Brief Description of Proposed Action (include purpose or need): The proposed action seeks to revitalize the waterfront area by incentivizing the transformation of a historic corridor and gateway to the Town of Cortlandt from a highway-oriented and motor vehicle-oriented land use pattern, into a more people-oriented destination where the natural, cultural, and scenic resources of the Annsville hamlet can be appreciated in a range of attractive and revitalized commercial, residential, and mixed-use settings. The town recognizes this district has not developed into a vibrant waterfront district as envisioned in the town's comprehensive plan, and other town planning studies and programs due in large part to lack of sewers, public water supply, waterfront trails and amenities, and other infrastructure and community amenity needs. To address this shortcoming, a system of zoning incentives are provided in a proposed new zoning district. The provisions of the proposed district are necessary and appropriate to advance the town's policies toward the physical improvement of the Annsville area, to advance town goals for incentivizing quality development that fits into the setting and secures the inherent advantages of the scenic and natural resources of Annsville Creek, the Hudson River, and Hudson Highlands landscape.		
Name of Applicant/Sponsor: Town of Cortlandt Town Board	Telephone: (914) 734-1002	E-Mail: judip@townofcortlandt.com
Address: 1 Heady Street		
City/PO: Cortlandt Manor	State: NY	Zip Code: 10567
Project Contact (if not same as sponsor; give name and title/role): Chris Kehoe, AICP, Director of Planning and Community Development	Telephone: 914-734-1081	E-Mail: chrisk@townofcortlandt.com
Address: 1 Heady Street		
City/PO: Cortlandt Manor	State: NY	Zip Code: 10567
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

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Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

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City/PO: Cortlandt Manor	State: NY	Zip Code: 10567
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Board zoning text and map amendment	December 2022
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Town Planning Board zoning referral	December 2022
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Peekskill (adjacent municipality, notice only)	December 2022
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Referral for regional review Westchester County GML 239m	December 2022
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYS Office of Parks, Recreation and Historic Preservation (Notice to Taconic Region)	December 2022
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? The 2016 Comprehensive Plan recommends the creation of a Waterfront Sustainability District (AWE) Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

The Annsville hamlet area is within the New York State Coastal Area, the Hudson River Valley Greenway, the Westchester County Greenway Compact Plan, the Hudson River Estuary Program and the Hudson River Valley National Heritage Area. The proposed zoning amendment is intended to advance the goals of each of these complementary programs.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

Town of Cortlandt Open Space Final Report 2004

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Highway Commercial (HC) District. The proposed zoning amendment will provide for permitted uses and special permit uses.

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? Annsville Waterfront Enhancement (AWE) district

C.4. Existing community services.

a. In what school district is the project site located? Lakeland School District

b. What police or other public protection forces serve the project site?
New York State Police, Westchester County Police

c. Which fire protection and emergency medical services serve the project site?
Continental Village Fire Department

d. What parks serve the project site?
The Hudson Highlands Gateway Park, Sproutbrook Park, and Annsville Preserve Park. The proposed project would establish publicly accessible open space via a waterfront promenade.

D. Project Details -- Section D Not Required

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum N/A Maximum N/A

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? (See attachment) Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Local utility (?) _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action -- Section E. Not Required

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres</p>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____ _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____</p>	
E.3. Designated Public Resources On or Near Project Site	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____</p>	

e. 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. 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 type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

See Attachment. Additional Information

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Chris Kehoe Date January 20, 2023

Signature Signed Electronically Title Director, Department of Planning & Community Development

I. INTENT

Revitalize the waterfront area by incentivizing the transformation of a historic corridor and gateway to the Town of Cortlandt from a highway-oriented and motor vehicle-oriented land use pattern into a more people-oriented destination where the natural, cultural, and scenic resources of the Annsville hamlet can be appreciated in a range of attractive and revitalized commercial, residential, and mixed-use settings.

The Town recognizes the existing HC District has not developed into a vibrant waterfront district as envisioned in the Town’s Comprehensive Plan, and other town planning studies and programs due in large part to lack of sewers, public water supply, waterfront trails and amenities and other infrastructure and community amenity needs. To address this shortcoming, a new zoning district is hereby created, the Annsville Enhancement District (AWE) comprising four (4) subareas as set forth herein, which replaces the HC district in Annsville. The AWE district establishes a system of zoning incentives as provided herein which are necessary and appropriate to advance the Town’s policies toward the physical improvement of the Annsville area, to advance town goals for incentivizing quality development that fits into the setting and secures the inherent advantages of the scenic and natural resources of Annsville Creek and the Hudson River and Hudson Highlands landscape.

In accordance with § 261-b of the Town Law of the State of New York, the Town Board is empowered to provide for a system of zoning incentives as the Town Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein.

A. PURPOSE

1. Promote desirable balance of land uses along Annsville Creek, including commercial and water-dependent and water-enhanced business uses.
2. Encourage high-quality development, fitting for this important gateway to the Town.
3. Expand public access along the water's edge.
4. Support rehabilitation and protection of the natural resources of Annsville Creek.
5. Develop residential uses where such development advances the purposes set forth herein.
6. To encourage investment in infrastructure and other amenities that support smart growth of the area.
7. Provide expanded opportunities and incentives to secure affordable housing for Town residents.
8. Ensure consistency with Town’s Comprehensive Plan and other local plans.

II. PERMITTED USES AND DIMENSIONAL REQUIREMENTS

In the Annsville Waterfront Enhancement (AWE) District, the uses established in the Table of Permitted Uses as provided for in the amended table attached hereto are permitted, subject to the applicable development standards and provisions set forth in this ordinance.

A. DIMENSIONAL REQUIREMENTS

1. Min Lot Area: 7,500 SF
2. Min Lot Width: 50 FT
3. Max Building Coverage: 30%
4. Yards (Front/Side/Rear): 10 FT/10 FT/10 FT (or greater as set forth in the Design Guidelines.)
5. Max Height (Stories): 2.5 stories
6. Max Height (Feet): 35 Feet

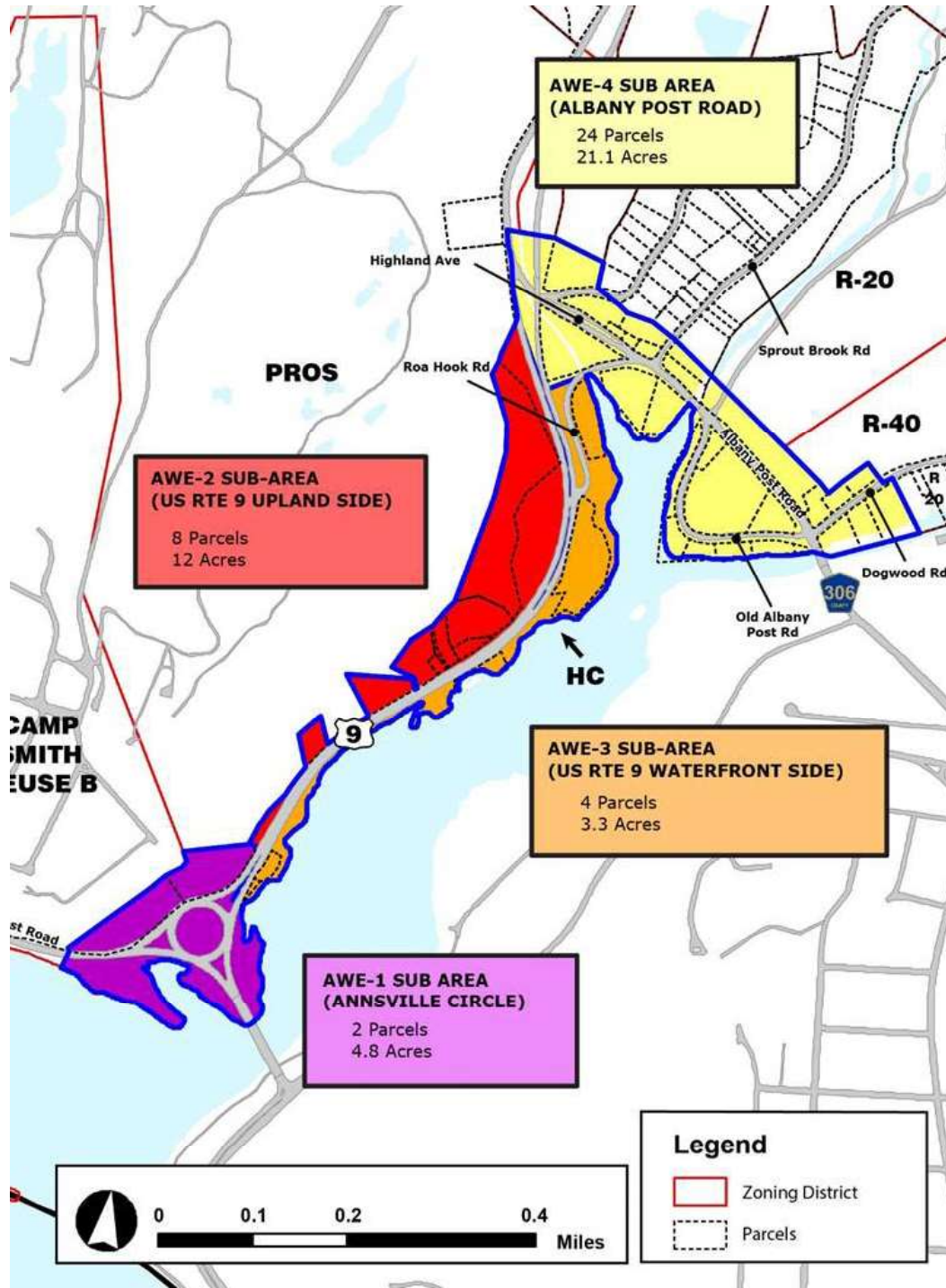
B. DESIGN PRINCIPLES

This set of principles shall be implemented to the maximum extent practicable as determined by the Planning Board in the process for site plan review. The design guidelines for this district are further discussed in a subsequent section.

1. Design for a human scale. Create places where the site design includes pedestrian facilities, well-considered lighting and other amenities, street trees, landscaped areas and a balance of building to paved areas to avoid overwhelming a site with pavement, roadways, parking lots and overly massive structures.
2. Establish a physical and visual connection to the waterfront. Provide waterfront views and establish space for a waterfront promenade (for waterfront properties) and connections to the waterfront that accommodate those with disabilities, pedestrians and bicyclists.
3. Create a scale of development that is appropriate for the setting. Establish areas that are setback from the waterfront and provide a pedestrian and landscaped buffer to heavy traffic areas and set the tallest buildings in areas that can be buffered by higher topography and buildings along the waterfront should include pedestrian and outdoor spaces and be appropriately lower in height and smaller in massing.
4. Create a welcoming streetscape using traditional town planning and design elements. Provide an appropriate architectural feature that clearly identifies the front entry. Include a balance of architectural elements such as generous windows and an appropriate mix of materials such as brick/stone/masonry in the façade and complementary outdoor spaces and streetscape design that creates an attractive public realm.
5. Commercial development shall provide traditional “Main Street” design elements. These elements include a welcoming architectural design and generous spaces and amenities for pedestrians to buffer areas of high traffic and to offer places for outdoor socializing and civic engagement.
6. Design with nature in mind. Provide opportunities to preserve, stabilize and restore natural shorelines and introduce trees, plantings and naturalized stormwater management systems to the maximum extent practicable.

III. AWE SUB-AREAS AND ZONING INCENTIVES

The Annsville Waterfront Enhancement district amends the zoning map as established and is hereby divided into four subareas: AWE-1, AWE-2, AWE-3 and AWE-4. The Town finds that each subarea has a distinct character because of topography and/or location and site attributes within the waterfront area.



A. SUPPLEMENTAL USE REGULATIONS:

1. In the AWE-2, AWE-3, and AWE-4 sub-areas, the following uses are permitted, in addition to the uses permitted in the underlying AWE district, subject to the applicable development standards and provisions set forth in this ordinance.
 - a) Mixed-use development, where residential and non-residential uses are in the same structure or in adjacent structures on the same tax parcel, with the following provisions:
 - (1) Maximum Residential Density: 5 units/acre
2. In the AWE-4 sub-district, the following uses are permitted as-of-right, in addition to the uses permitted in the underlying AWE district subject to the applicable development standards and provisions set forth in this ordinance.
 - a) Multi-family development, subject to the following provisions:
 - (1) Maximum Residential Density: 5 units/acre
 - (2) Ground floor commercial are required at the following intersections on Albany Post Road:
 - (a) Sprout Brook Road
 - (b) Dogwood Road
3. Requirements for all multi-family and mixed-use buildings in AWE:
 - (1) For any mixed-use building, the residential portion of a building shall have separate access.
 - (2) The maximum size for any multi-family unit shall be 1,200 SF.
 - (3) For any building with greater than 5 units, a minimum of 10% of multifamily units must be designated as affordable as defined by Westchester County (e.g. a 30-unit project would provide 3 affordable units). This requirement holds true for any project that applies for allowable height and density incentives.

IV. ZONING INCENTIVES IN AWE SUB-AREAS:

1. Intent: The zoning incentives in this section are provided to encourage investment in infrastructure and other amenities that support smart growth of the area. The bonus density and or height increases may be granted to developments as an incentive for added investment in the AWE District. The amenity package shall include provision of added infrastructure investments and/or provide a cash payment to the town, subject to provisions set forth herein. Payment to the Town shall be placed into a separate and dedicated Incentive Zoning Fund established and managed by the Town to be used for municipal improvements directly related to supporting land uses the AWE District, including but not limited to: water and sewer, stormwater management, and flood control; sidewalk, lighting, plantings, or waterfront walkway improvements.
2. Eligibility: To be eligible for additional uses and dimensional bonuses provided for in the four sub-areas, applicants for must comply with the following standards:
 - a) Have municipal water and sewer service which is:
 - (1) Existing on the proposed site in the required capacities, or;
 - (2) located reasonably adjacent to the proposed site such that the applicant could get approval from the Town Board to make a connection to the existing services. Such approval would be conditional on the findings of an independent engineering report which evaluates the impact said connection would have on the existing municipal capacities and performance.
 - b) All buildings must be in conformance with the design guidelines section
3. Allowable Bonuses for Height and/or density The following bonuses are permitted subject to review by the procedure set forth herein.
 - a) **AWE-1 (Annsville Circle):**
 - (1) Additional building height, not to exceed 70 feet maximum height.
 - b) **AWE-2 (Properties on upland side of Route 9):**
 - (1) Additional density up to a maximum of 15 units/acre total, and
 - (2) Up to 4 stories and 50 feet in total height
 - c) **AWE-3 (Properties fronting waterfront on east/south side of Route 9)**
 - (1) Additional density up to a maximum of 15 units/acre total
 - d) **AWE-4 (Properties fronting Albany post road)**
 - (1) Additional density up to a maximum of 20 units/acre total, or
 - (2) Additional density up to a maximum of 40 units/acre total, and a maximum height of 5 stories and 55 feet (whichever is less) if proposed project includes the provision of a publicly accessible waterfront walkway, created through the dedication of a

permanent public waterfront access easement or other acceptable instrument. Design criteria for the waterfront walkway are provided in the design guidelines section.

4. Requirements for Requested Bonus: The bonus height or density increase may be granted to developments as an incentive for added investment in the AWE District as provided for in below.
 - a) The amenity package shall include a cash payment to the Town subject to provisions established herein. The fee will be placed in a fund for municipal improvements within the AWE District, including but not limited to water and sewer, stormwater management, and flood control; sidewalk or waterfront walkway improvements. Alternatively, the applicant can substitute a portion or all of required cash payment by providing public amenities including infrastructure improvements in the AWE district, supplemental to what is required to support the subject project. If this option is chosen, the value of proposed improvements shall be submitted to the Town Board for approval.
 - b) Buildings eligible for bonus height may be required by the Planning Board to incorporate setbacks and/or step-backs, or other measures to reduce visual impacts as appropriate.
 - c) Incentive Payment to Town. Any requested increase in density and or height shall be commensurate with the amenity or benefit provided. The required payment for amenities would be for only the increased density and/or height beyond what could be achieved under the base scenario. For residential uses the incentive payment would be for each additional unit requested beyond what could be achieved without the amenity. For non-residential uses the calculation is based on the gross square feet that could be achieved beyond the base scenario. For example, on a 2-acre site in AWE-2, an applicant could build 10 units in the base scenario at 5 units per acre. With the bonus, the applicant could build 30 units (at 15 units/acre). The amenity payment would be only for the increase in 20 units above the base scenario
 - (1) Incentive Payment for additional residential density.
 - (a) \$5,000 per unit for each additional unit beyond the base scenario for projects greater than 5 and less than 10 units per acre
 - (b) \$7,500 per unit for each additional unit beyond the base scenario for projects between 11 and 20 units per acre
 - (c) \$10,000 per unit for each additional unit beyond the base scenario for projects between 21 and 30 units per acre.
 - (d) \$15,000 per unit for each additional unit beyond the base scenario for projects greater than 30 units per acre.
 - (e) Fees would be waived for affordable units provided by proposed project. Waivers shall not exceed 40% of the total number of units.
 - (f) Example calculation: In 3-acre site in AWE-4, an applicant could build 15 units in the base scenario and 120 units with the maximum incentive bonus. At the maximum density, the initial calculation of the incentive payment would be

\$1,575,000. (3 acres x 40 units/acre = 120 units minus 15 units based density = 105 units x \$15,000 per unit = \$1,575,000.). If the applicant provided 40% affordable housing, the incentive payment of \$630,000 would be waived for those units (105 x 40% = 42 units x \$15,000 per unit = \$630,000) which would include the provision of 42 affordable units. The net incentive payment would be \$975,000 (\$1,575,000 – \$630,000).

- (2) Incentive Payment for additional commercial space. The amenity payment schedule is as follows for commercial uses:
 - (a) \$15,000 per additional 1,000 square feet of built area over the base scenario, calculated fractionally.

- (3) Provision of public amenity: If the applicant proposes to substitute a portion or all of the cash payment with the provision of additional infrastructure or another public benefit within the district. In this instance, the application would be referred to the Town Board to determine whether the proposed amenity(ies) provided are commensurate with the required cash payment for the zoning incentive requested. Such improvements could include:
 - (a) Public right-of-way and construction of waterfront promenade.
 - (b) Infrastructure investment that provide additional capacity and extend beyond the subject site but within the AWE District including public sewer and water service system extensions/expansions.

- (4) Waterfront Walkway/Promenade: For waterfront parcels, if feasible, part or all of the amenity package should include the provision of a publicly accessible waterfront walkway, created through the dedication of a permanent public waterfront access easement or other acceptable instrument. Design criteria for the waterfront walkway are provided below:
 - (a) The easement shall encompass the area of land extending from the mean high-water mark to a point at least fifteen feet inland, subject to the discretion of the Planning Board.
 - (b) The easement shall be wide enough to accommodate a ten-foot-wide walkway as well as necessary screening and fencing so as to ensure public safety and security for upland uses.
 - (c) The public waterfront access easement shall connect to all public waterfront access easements on adjacent properties.
 - (d) The public waterfront access easement shall extend along the entire waterfront of the site, as practicable based on the discretion of the Planning Board.
 - (e) The Planning Board, as part of site development plan approval, may modify the walkway and or setbacks required when it determines that the specific circumstances of the particular site make adherence to the waterfront walkway

criteria impractical unless accommodation can be made to achieve the purposes of this section. The reasons for any such modifications must be expressed and placed into the official record of the Planning Board.

- (5) The cash payment or other public amenities provided are not a substitute for other project-related fees such as the recreation fees or any other mitigation measures that would be required as part of site plan approval and SEQ. However, recreation fees payable to the Town may be partially off-set through construction of a publicly accessible waterfront promenade as determined by the Town Board.

5. Criteria and Procedure for Approval

- a) Applications for zoning incentives such as increased density and height shall be submitted to the Planning Board in accordance with the zoning incentive procedures adopted by the Town Board.
- b) Planning Board Review: If the application includes a cash payment alone, it would be reviewed by the Planning Board,
- c) Town Board Review: if the applicant proposes to substitute any portion of the cash payment with the provision of additional/offsite infrastructure investments and/or additional affordable housing unit beyond what is required, the application shall be referred by the Planning Board to the Town Board for approval. Applicants must present the cash value equivalent for any proposed amenity improvements (i.e. designation of a waterfront walkway and construction of a waterfront promenade). The Town Board would determine if proposed improvements provide sufficient public benefit and are commensurate with the amount of the requested incentive. The proposed amenities would also be reviewed and approved as to meeting legal requirements by the Town Attorney.
- d) The application shall include the following information:
 - (1) The requested incentive(s) as further provided for in the respective Annsville Waterfront Enhancement zoning sub-area in which the project is located.
 - (2) A program of uses and a site plan for both a base scenario without the incentive or any other variance, and the proposal with requested bonus amenity.
 - (3) Gross Floor Area (GFA) increase (measured in gross square footage above what could be built under baseline dimensional regulations)
 - (4) Height Increase (measured in feet above what could be built under baseline zoning regulations)
 - (5) Residential density increase (measured in units per acre)
 - (6) Proposed amenity improvements including their cash value equivalent. (e.g. the designation of a waterfront walkway and construction of a waterfront promenade).
 - (7) Additional information and plans as applicable to provide for a thorough evaluation of the proposal
- e) Incentive Payment Procedure:

- (1) If there is a cash payment, it shall be paid as follows: 25 percent at the time for filing of a building permit, 50 percent prior to issuance of the building permit, and 25 percent prior to issuance of a certificate of occupancy. For incentives based on infrastructure to be constructed, all required improvements shall be made prior to issuance of a certificate of occupancy by the town and or provision of an irrevocable letter of credit to the town equal to the value of the unconstructed improvements.
- (2) Payment to the Town shall be placed into a separate and dedicated Incentive Zoning Fund established and managed by the Town to be used for municipal improvements directly related to supporting land uses the AWE District, including but not limited to: water and sewer, stormwater management, and flood control; sidewalk, lighting, plantings, or waterfront walkway improvements.

V. DESIGN GUIDELINES AND STANDARDS FOR THE ANNSVILLE WATERFRONT ENHANCEMENT DISTRICT (AWE)

1. Applicability. The design guidelines of this section shall be followed for all new construction and expansion projects within the AWE District which:
 - a) Require site plan review as per (insert reference); or,
 - b) Include new exterior building materials, commercial signs or exterior lighting;
 - c) Include changes or replacement of existing exterior building materials, commercial signs or exterior lighting; or
 - d) Are referred by the Planning Board to the Architectural Review Council for advisory review and comment.
2. Projects which only involve renovations or expansions to existing site plan features (parking areas, walkways, etc.) shall follow the standards to the extent practicable—as determined by the planning board—recognizing those elements of the standards that can be deployed to achieve the greatest overall improvement to the appearance and functionality of the site in relationship to the roadways and adjacent properties.
3. Intent. These guidelines are intended to be utilized by applicants in collaboration with the planning board for design development and review of projects to clarify and advance the goals of the town’s comprehensive plan and local waterfront revitalization program the so that all parties know what is expected.
4. Recommended Guidelines vs Required Standards. Some of the provisions of this section are recommended, while other provisions are required. In this section, the directive word “should” is used for all recommended, but not required, guidelines. The directive word “shall” is used for all required minimum standards which must be adhered to, subject to discretion by the Planning Board.
5. Waiver or Modification Request. The Planning Board is authorized to modify/waive any particular design guideline subject to a formal request being submitted to the Board detailing why strict compliance isn’t possible. The Board shall consider comments and recommendations from the ARC and may waive or modify the design guideline provision(s) provided the Board finds that such waiver or modification will not substantially diminish the goals and intent of the design principles established herein.
6. Site Analysis. A site analysis is required for all applications seeking site plan review. The site analysis shall be conducted by a licensed design professional (professional landscape architect, architect or engineer) who shall illustrate the following existing site characteristics on a scale plan of the property for use by the planning board in considering the proposed development design:
 - a) Existing topographic contours of the site, at five-foot contour intervals or less;
 - b) The extent of existing vegetation including woodlands, large trees, and any known plant or animal habitats which are unique, rare or endangered;

- c) Surface water features, stormwater flows, wetlands and flood hazard areas;
 - d) Existing structures, including potential historic resources and known archeological resources;
 - e) Potential access points for motor vehicles, pedestrians, and bicycles including any existing farm or service lanes or adjacent trails;
 - f) The location of any nearby adjacent planned trails or the planned route of the Waterfront Promenade;
 - g) Utilities availability in the vicinity;
 - h) Wind and solar aspects of the site;
 - i) Jurisdiction of all road frontage (state, county, town, private, etc.)
 - j) Aerial imagery of the site;
 - k) Property boundaries and easements and restrictions.
7. General Site Planning and Design. Site plan layouts shall be designed to convey an attractive, waterfront setting, with views to the water and limited visibility of larger parking areas.
- a) Preserve large areas of natural waterfront landscape including existing mature trees where possible, to be incorporated into the site plan.
 - b) At least 25% of the site should include pervious services, with landscaped and planted areas.
 - c) Parking areas shall be located in the rear, side or under the building structure as much as possible, with limited side or front yard convenience parking provided as necessary and as approved by the planning board.
 - d) The main public entry to the building shall face the public road unless building is on an internal lot without frontage on a public way, and shall be visibly apparent with the use of architectural features which accentuate its importance.
 - e) Driveway access into the site shall be limited to a single curb cut wherever possible, or the minimum width and curb radius necessary to reasonably accommodate vehicles. Two access points may be permitted on a single parcel if shared cross access provisions are in place with adjacent property owners, employed using approved easements.
 - f) Distances between curb cuts on US Routes 9/202 shall be maximized to the greatest extent possible, or combined into a shared driveway.
 - g) It is recommended that new construction should orient buildings and rooflines to accommodate existing (or future) solar panel installations with direct southern exposures.
8. Front Yard Landscaping and Sidewalks. The defining, organizing framework for the highway corridors is landscaping along the front yard areas of all properties including sidewalks and on-street parking where space permits.
- a) The front yard of all properties shall be visually defined by a deep and wide front lawn area, accentuated with occasional mature or newly planted trees and other planted landscaped areas, patios and public streetscape spaces. Existing structures on shallow lots shall be

- designed to fit the setting and the planning board will appropriately consider constrained sites/undersized lots.
- b) All front and side yard greenspace areas on the site visible from the public road shall be landscaped with one or more of the following:
 - (1) Native vegetation; and/or,
 - (2) trees, shrubbery, nursery plants with appropriate mulch; tall grasses; and/or,
 - (3) sod, lawn, or other variety of planted groundcover.
 - c) Commercial/mixed use properties fronting US Routes 9 and 202 shall employ the use of a continuous low landscape wall and/or low plantings with occasional shade trees along the frontage to maintain a consistent design theme along the highway and screen any parking provided in the front yard. These elements should typically follow along the front property line and align with similar elements on adjacent properties.
 - d) Generous planting beds, including low hedges and trees, shall be provided along the front of the building around parking and pedestrian areas. Additional trees should be planted to screen any large areas of blank or windowless facade which are visible from the public road.
9. Stormwater Management. On site stormwater management facilities, if provided, should be designed where possible as a natural and integrated element of the site landscaping.
- a) Consider the setting—whether on steeper hillsides or lower valley and floodplain area. Create a stormwater management plan as part of the site development plan that reflects natural processes and creates a system that adds to the aesthetic and natural amenities of the area.
 - b) Create naturalized stormwater management systems addressing multiple properties on a subwatershed basis where feasible.
10. Pedestrian and Bicycle Access. Safe access and accommodations for pedestrians and bicyclists shall be provided to make the property attractive and welcoming to visitors.
- a) Any parking areas provided in the front or side yards shall provide a dedicated walkway or sidewalk to the main entry of the building.
 - b) Any public pedestrian walkway areas provided in the front yard shall extend to connect to the public sidewalk along the road, if present. If no sidewalk is present, one shall be constructed along the property frontage.
 - c) No parking, building or other structural constraint shall be placed on any waterfront site in the corridor designated for the Waterfront Promenade. A multi-use, shared use pathway shall be provided as part of an incentive zoning proposal in response to the requirement for the Waterfront Promenade.
 - d) At least one bicycle parking or storage space shall be provided at or near the main public entry for each commercial or residential use on the property. Additional bicycle parking spaces shall be provided as follows:

- (1) Residential: 1 space for every 2 dwelling units;
- (2) Eating/Dining: 1 space for every 5 required vehicle parking spaces;
- (3) Other Commercial: 1 space for every 10 required vehicle parking spaces;
- (4) Public Transit Shelters: 5 spaces for every transit stop.

11. Parking and Circulation. Parking, driveway and loading areas shall be minimized where possible in terms of size and visibility, while providing safe access in and out of the property for both vehicles and pedestrians.

- a) Impervious parking and driveway surface areas shall be only as large as necessary to meet minimum requirements, and are encouraged to utilize porous asphalt or porous paving to reduce stormwater runoff. If additional parking capacity is deemed necessary by the applicant and appropriate by the Planning Board, the additional parking area shall be required to utilize porous surfacing.
- b) Landscaped islands shall be provided at both ends of any internal parking rows, and at intermediate locations so that there are not more than 25 continuous parking spaces in a row without a landscaped break. These islands shall be at least six feet in width, and extend the full depth of the row (nine feet for single row, 18 feet for a double row) providing a minimum of two shade trees, with low bushes, plantings and other groundcover. Stone mulch may be used with a curbless/recessed island where it is designed to collect stormwater.
- c) Parking lot landscaped areas may be suitably replaced with integrated stormwater management areas such as raingardens or bioswales which capture rainwater on the site, provided they are adequately landscaped.
- d) Shared/interconnected parking areas between two or more adjacent properties are encouraged where appropriate and feasible due to their proximity.
- e) All off-street loading, service or dumpster areas shall be located in the rear of the building and screened from view from the public road.
- f) Dumpster areas shall be enclosed within an extended envelope of the building, or located behind screening walls which match or complement the materials of the main building, as directed by the planning board. Chain link fence enclosures are not permitted.

12. Architectural Character. While specific architectural styles are not suggested or required, designs shall reduce adverse visual impact of larger structures through design techniques provided in this section. Examples are provided for reference in photos on the following pages.

- a) The use of natural materials such as stone, brick and wood, combined with larger roof overhangs and the use of front porch entryways are generally recommended.
- b) Sloped roof designs should be utilized where possible in lieu of flat roof, particularly at the front of the site or areas readily visible from the public road.

- c) Sloped roof structures are encouraged to maintain a pitch between 5:12 minimum and 12:12 maximum for all primary roof areas (not including dormers, entry canopies or similar accessory elements.)
 - d) Roof eave and gable overhangs are encouraged to be a minimum of 18 inches deep, with taller or larger buildings providing deeper overhangs which are appropriate for their size and scale.
13. Building Entrance. Building entrances for the public shall face the main road and be highlighted by design features to make it stand out from the rest of the building.
- a) Building entrances should be clearly recognizable and visible from the public road or driveway.
 - b) Building entrances should be covered in the form of a roof or porch overhang to provide shelter from the elements and make it more prominent.
 - c) The front yard area immediately adjacent to the building entrance shall be suitably landscaped with lawn, shrubs or flowers.
 - d) Building entrances shall be directly connected to parking and pedestrian areas with a sidewalk, separated from motor vehicle areas with a curb and/or planting strip.
14. Building Scale and Massing. Overall building massing shall be broken up into smaller, discrete shapes where possible to reduce the scale of the structure, particularly for larger buildings. Large monolithic box structures shall be avoided.
- a) New development shall reflect appropriately scaled architecture.
 - b) Facades facing the public road should avoid large, uninterrupted blank wall areas without windows or entranceways.
 - c) Building appurtenances, such as porches, dormer windows are encouraged to be used to give building facades shade, scale and more visual interest.
 - d) Large, uninterrupted storefront or strip windows shall be avoided. Windows shall instead be broken up into smaller groups and spaced apart to create a rhythm or pattern. Window openings are encouraged to be vertically proportioned, so that the width to height ratio is taller than they are wide.
 - e) Longer building facades shall make use of a repeating pattern, expressing the structural bays of the building within, with the use of features such as repeating window groups, columns, or other features which help to tie the design together.
15. Exterior Materials. Primary façade material (i.e., visible from a public way and comprising 35 percent or more of the exterior horizontal surface) should be brick or stone/artificial stone masonry for structures of more than two stories and may include natural finished wood or fiber cement clapboard or board and batten or glass (non-mirrored) curtain wall or coated steel or composite or as a secondary façade material. Discouraged/prohibited primary façade materials include vinyl siding, cement block, concrete panels, expanded foam/fiberglass (EIFS).

- a) Facades with an overabundance of different materials or colors are discouraged. When using more than one facade material or color, one material shall be used as the dominant “primary” theme, with the others used more sparingly as “secondary” materials or colors to accent the design.
 - b) Changes from one facade material or color to another shall occur at a “hard-edge” or bump-out transition in the facade that gives the material a surface to terminate into. Material or color changes from one wall to another shall occur at an “inside corner”.
 - c) Exterior building material colors should typically be a natural, subtle, muted shade and of low- reflectance. Brighter, more vibrant colors such as bright red or yellow should generally be reserved for minor accents and highlights only. Examples of colors which are likely to be incompatible include basic primary colors, neon, fluorescent or those which are highly reflective or metallic.
 - d) Window and door openings in masonry facades should visually show a lintel above the opening which is carrying the weight above, instead of hidden steel plates.
16. Signs. Commercial signs in the AWE District shall be attractively designed using a similar theme of natural materials and color palettes to help identify the waterfront area as a unique destination. Garish façade/corporate-themed exterior color schemes, excessive lighting, illuminated/transparent awnings or canopies and similar treatments may be considered signs and subject to regulation.
17. Exterior Lighting. All exterior lighting in the AWE District shall be designed to minimize light pollution to the region and shall be compliant with dark sky, light pollution reduction principles, while providing a safe and attractive environment.
- a) All exterior lighting shall be dark skies compliant, provided from full cutoff, downward facing fixtures which prevent any light emitted above the 90 degrees horizontal to minimize night sky pollution, glare and spillover onto adjacent properties, unless otherwise noted below.
 - b) Light Quality and Color. Exterior lighting should be provided from Induction or L.E.D. (light emitting diode) fixtures to provide quality light while minimizing energy use, provided the color temperature of the light is between 2500 and 3800 kelvin. Mercury vapor and low pressure sodium lamps are not recommended.
 - c) Light Intensity. Exterior lighting for parking lots and pedestrian areas is encouraged to remain at the lowest acceptable footcandle levels wherever possible to reduce energy use, glare and night sky pollution.
 - d) Parking Lot Lighting. Light fixtures located within the interior area of a parking lot shall not exceed 25 feet in height. Light fixtures located along the perimeter edge of a parking area shall not exceed 18 feet in height.
 - e) Walkway Lighting. Light fixtures located along pedestrian walkways or paths internal to the site shall not exceed 15 feet in height.
 - f) Facade Lighting. Decorative facade lighting, where used, shall only direct the light downward on the facade. Upward facing facade lighting shall only be permitted in instances

where it is installed underneath a canopy, porch or roof overhang which will fully capture the upward light spill.

- g) Security Lighting. Security lighting is encouraged to be provided from regular pedestrian fixtures where possible, especially in areas visible from the public road. Where dedicated security “wall packs” are necessary, it is recommended that they operate on motion sensor activations to limit use.
- h) Vehicular Canopy Lighting. Light fixtures located underneath vehicle canopies, porches or similar.
- i) Sign Lighting. Lighting for freestanding monument signs may be mounted above the sign or below at grade. If mounted at grade and pointing up at the sign, the lamp must direct the light only as needed onto the surface of the sign.
- j) Landscaping Lights. Decorative landscaping lighting, if used, shall be designed to direct the lighting downward into the planted areas whenever possible. Upward facing landscape lights may be permitted provided they are low voltage systems which are equipped with automatic switching to turn off the lights no later than one hour after the site is closed to the public, or 10 pm, whichever is earlier.
- k) Lighting Style. Lighting poles and exterior fixtures should be chosen to complement the design character of the building architecture.
- l) Holiday or Event Lighting. None of the provisions above shall be interpreted to limit the temporary use of decorative lights for holidays or special events.

18. Service Areas & Utilities. All service areas, utilities and mechanical equipment shall be located and screened in a manner to minimize visibility from the public road.

- a) All loading, dumpster and storage areas should be located in the rear of the facility and out of sight from the public road.
- b) All loading and dumpster areas should be screened from view with landscaping or fencing which is compatible with the exterior materials of the building.
- c) Ground and rooftop mounted mechanical equipment such as HVAC heating and cooling systems or transformer pads shall be located and screened to minimize visibility from the public road. This provision shall not apply to rooftop or ground- mounted solar systems.
- d) All new utility lines serving private commercial or residential properties shall be buried underground.

19. Waterfront Promenade. The promenade is intended to provide an attractive and casual non-motorized connection between various businesses, residential properties and attractions along the Annsville Creek, providing access for pedestrians, bicycles and other users to each of the properties along the way. It is intended to be designed corroboratively with the town and willing landowners, implemented over time, to promote visitor exploration and unlock greater economic development potential.

- a) The promenade should create a unique and beautiful waterfront passage parallel to Annsville Creek shoreline with minimal intrusion into the natural landscape, adding points of interest and design features which provide a continuity of interest.
- b) The design character of the promenade is intended to be flexible to account for the customized designs and compatibility of individual properties, recognizing the planning board shall establish minimum requirements that will accommodate the opportunities and constraints of the subject property.
- c) The promenade should be approximately 10 - 15 feet wide, with drainage swales or buffers along either side
- d) Wayfinding and identification signage is encouraged to be provided along the promenade to orient and attract visitors and to interpret the history of the setting.
- e) Benches and pedestrian-scaled lighting shall be provided at a ratio of one each per 150 feet or as otherwise established by the planning board as necessary and appropriate for the subject property.

A. ILLUSTRATIVE DESIGNS

1. Illustrative Examples of Architecture



One and two story commercial and retail.



Three story building with residential, commercial and retail uses. Building facade with brick, metal and glass materials.



Four story mixed use building with brick, glass, metal and masonry.



Three story mixed use building.



Four story plus penthouse mixed use building.



Six-story hotel and restaurant with brick and glass facade.



Promenade and buildings providing continuity of interest and human-scale landscape elements.



Generous width and design of promenade creates waterfront attraction with space for multiple users and movements.

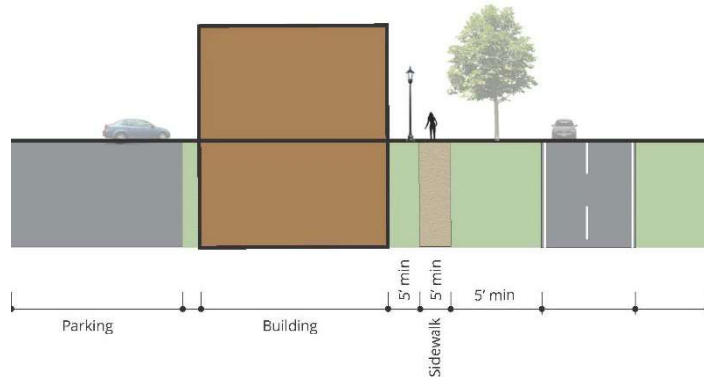


Two story civic and commercial building with brick and colonial style architecture.

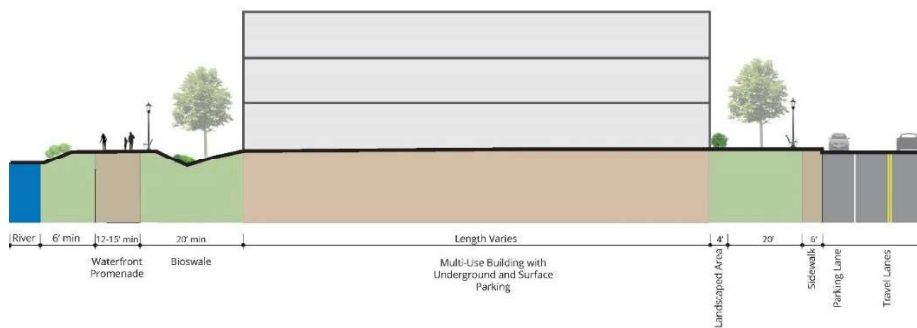


Two story brick building with civic and retail uses.

2. Illustrative Designs For Buildings in AWE-1 and AWE-2 (Along Route 9)



3. Illustrative Design for Buildings in AWE-4



VI. FINDINGS AND DECISION

1. Public hearing. Prior to its final decision and in conjunction with its SEQRA review, the reviewing board (Planning Board or Town Board) will conduct a public hearing in accordance with the standard procedures for grant of a special permit, site plan review or town board public hearing.
2. Following the public hearing and completion of the SEQRA process, the reviewing board will approve, approve with modifications or conditions or deny the proposed incentive zoning application. A written statement of the findings will be prepared documenting the basis of the reviewing board's decision. The findings will include, but not be limited to, the following: be limited to, the following:
 - a. SEQRA. That all requirements of SEQRA have been met, including the required findings under that law.
 - b. Development capacity. That the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Cortlandt Code.
 - c. Public benefit. That the public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted.
 - d. Project quality. That the project is in harmony with the purpose and intent of this article and with the stated objectives and will promote the purposes herein, that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Cortlandt.
 - e. Comprehensive Plan. That the use of incentive zoning for the particular project is consistent with the Comprehensive Plan.
 - f. The reviewing board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.

VII. COMPLIANCE REQUIRED

Avoidance of following the requirements of these provisions is strictly prohibited. This includes but is not limited to solicitation for a height, density, or other dimensional variance, request for a use variance, the subdivision of a parcel to create smaller parcels or other similar maneuvers for the purpose of avoiding or reducing the requirements of these provisions where the provisions of these sections could otherwise be fulfilled.