

TOWN BOARD - TOWN OF YORKTOWN

**RESOLUTION APPROVING ADOPTING
SEQRA FINDINGS FOR THE REZONING PETITION
AND PROPOSAL
FOR THE CROTON OVERLOOK PROPERTY
AND DEVELOPMENT**

ADOPTED: December 6, 2011

WHEREAS, the Town Board of the Town of Yorktown ("Town Board") received a Verified Petition dated June 10, 2010, from Croton Overlook Corporation ("Petitioner"), as owner of a parcel identified as certain real property, located east of the intersection of NYS Routes 134 and 100, designated on the Town Tax Map as parcels 70.15-1-2 and 70.11-1-16 and as prospective contract vendee of certain real property designated on the Town Tax Map as parcel 70.15-1-1 ("Property"), said Property consisting of approximately 65 acres, seeking to change the zoning of the Property from R1-80 to RSP-1 in order to construct age-restricted fee simple housing units; and

WHEREAS, on June 15, 2010 the Town Board declared its intent to act as the lead agency in connection with all processing procedures, determinations, and findings to be made or conducted with respect to the petition for rezone of Croton Overlook Corporation under Section 8-0101, et. seq., of the Environmental Conservation Law ("SEQRA") and the regulations promulgated by the New York State Department of Environmental Conservation there under, which appear at 6 N.Y.C.R.R. Part 617 ("SEQRA Regulations"); and

WHEREAS, the Town Board thereafter: (i) declared lead agency status in connection with the SEQRA review of the Project, and commenced review of the proposed Project in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (ii) determined that the proposed action may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement ("DEIS") be prepared; (iii) directed that a public scoping session be held at its February 15, 2011 regular meeting, in accordance with 6 N.Y.C.R.R. 617.8; and (iv) directed that a written notice of its determination of significance and notice of the public scoping session,

together with a draft DEIS Scoping Outline, be sent to all involved and interested agencies as well as made available to all known individuals and organizations which had expressed an interest to the Town Board concerning the Project; and

WHEREAS, a DEIS Scoping Outline was prepared in accordance with 6 N.Y.C.R.R. 617.8 and accepted by the Town Board by resolution at its regular meeting of April 12, 2011; and

WHEREAS, Croton Overlook Corporation prepared and submitted a preliminary DEIS for the Town Board's review to determine its completeness as required by the accepted final written scope and its adequacy for public review in accordance with 6 N.Y.C.R.R. 617.9 (a) (2); and

WHEREAS, on July 12, 2011 the Town Board determined the DEIS for Croton Overlook Corporation was complete with respect to the scope, content, and adequacy necessary to afford the public and involved and interested agencies the opportunity to consider the DEIS for the purpose of commencing public review of the proposed project, pursuant to SEQRA and the regulations promulgated by the New York State Department of Environmental Conservation there under, which appear at 6 N.Y.C.R.R. Part 617 ("SEQRA Regulations"); and

WHEREAS, as Lead Agency, the Town Board held a public hearing on the DEIS on August 2, 2011 at Shrub Oak Memorial Park, located at 3800 Sunnyside Street, Shrub Oak, NY, 10588, at which time public comment on the DEIS was received by the Town Board and thereafter, the Town Board continued to accept written comments from the public and involved and interested agencies until August 30, 2011; and

WHEREAS, a FEIS was prepared to respond to the substantive oral and written comments to the DEIS; and

WHEREAS, the Town Board has found that the FEIS adequately addresses the oral and written comments on the DEIS; and

WHEREAS, the Town Board has prepared a SEQRA Findings Statement; and

WHEREAS, the SEQRA Findings Statement sets forth the Town Board's reasoned elaboration as to the facts and conclusions as developed in the DEIS, FEIS, and in response to public and agency comments collected as part of the review process relating to potential environmental impacts of the Proposed Action; and

WHEREAS, on November 22, 2011, the Town Board met in Work Session and on December 6, 2011, at a regular Town Board meeting to review the SEQRA Findings and the Proposed Actions, and held substantive discussion on the conclusions of the Findings,

NOW THEREFORE, BE IT RESOLVED, the Town Board, as Lead Agency for the SEQRA review of the Project, hereby affirms that all procedural steps of the State Environmental Quality Review Act have been met in full in connection with the Proposed Actions; and be it further

RESOLVED, the Town Board hereby adopts the annexed SEQRA Findings Statement for the Proposed Action.

Council Member Murphy moved for approval of the Resolution.

The motion was seconded by Council Member Martorano and upon being put to a vote, the vote was as follows:

Supervisor Siegel	Aye
Council Member Murphy	Aye
Council Member Patel	Aye
Council Member Martorano	Aye
Council Member Bianco	Absent