

Meeting Date: 01/07/2016
Resolution #: 01/02/2016

**RESOLUTION APPROVING SEGMENTATION AND MAKING A NEGATIVE
DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW
ACT WITH RESPECT TO THE "EAST PARCEL" (AS DEFINED HEREIN) FILLING
OPERATIONS AND SITE PREPARATION PERMIT APPLICATION**

WHEREAS, the Village of Sleepy Hollow (Village) has approved various applications submitted by Lighthouse Landing Ventures, LLC and its predecessors in interest in the former General Motors North Tarrytown Assembly Plant property (GM Property) for redevelopment of the GM Property; and

WHEREAS, as part of the application processes and previous decisions and agreements between the Village and Lighthouse Landing Ventures, LLC and its predecessors in interest, a portion of the GM Property known as the East Parcel (Section 115.11, Block 1, Lot 2 and Section 115.11, Block 1, Lot 85, generally the terminus of Continental Street) was to be conveyed to the Village or its designee; and

WHEREAS, the Village, as part of the environmental review for redevelopment of the GM Property, considered at a conceptual level redevelopment of the East Parcel for certain community related uses such as a new Department of Public Works facility, bus repair garage, overpass connecting the East Parcel with other GM Property known as the West Parcel and now known as Edge-on-Hudson, recreation facilities, and parking resources; and

WHEREAS, the Village established the Sleepy Hollow Local Development Corporation (LDC) as a not-for-profit local development corporation with purposes and powers that include constructing, acquiring, rehabilitating for use by others, assisting financially with the construction, acquisition, rehabilitation and improvement, and maintaining and/or leasing facilities on its behalf or for others within the Village; and

WHEREAS, the Village designated the LDC to receive the conveyance and take ownership of the East Parcel; and

WHEREAS, the LDC, as the Village's designee, acquired ownership of the East Parcel on December 22, 2014, and desires to undertake improvement on the East Parcel for the betterment of the Village and its residents; and

WHEREAS, the LDC prepared a conceptual level plan that will be used as a basis for developing a Riverfront Development Concept Plan (RDCP) for the East Parcel; and

WHEREAS, the LDC is considering the following improvements as part of the RDCP for the East Parcel: construction of a new Village Department of Public Works facility, construction of a new bus garage repair facility for the Tarrytown Union Free School District, construction of new Village recreation facilities, construction of new parking, and construction of a new overpass connecting the East Parcel with the West Parcel now known as Edge-on-Hudson (collectively, Proposed Action); and

WHEREAS, the Proposed Action will require preparation of an Environmental Impact Statement under the New York State Environmental Quality Review Act as codified in the Environmental

Conservation Law of the State of New York (SEQRA) pursuant to Sleepy Hollow Village Code Section 450-15.B(3); and

WHEREAS, on October 26, 2015, the LDC adopted a resolution declaring its intent to act as lead agency and coordinate the environmental review of the Proposed Action under SEQRA (collectively, SEQRA Review) and caused to be circulated a notice of intent to a list of potential involved agencies, interested agencies, and other agencies of interest and provided them with an opportunity to respond; and

WHEREAS, on December 7, 2015, the LDC became lead agency for SEQRA Review of the Proposed Action (Lead Agency); and

WHEREAS, on January 4, 2016, the LDC as Lead Agency adopted a Scoping Outline for SEQRA Review of the Proposed Action; and

WHEREAS, the East Parcel currently consists of bituminous pavement and concrete parking surfaces, vegetated strips and hillsides between pavement and the property lines, a closed bituminous ramp and viaduct bridge, vegetated open and closed drainage ditch system, and rail sidings within gravel bedding with bituminous and concrete access strips; and

WHEREAS, the East Parcel is subject to a Site Management Plan prepared as an element of the remedial program at the GM Property under the New York State Brownfield Cleanup Program administered by New York State Department of Environmental Conservation (NYSDEC) dated December 2013 (Site Management Plan); and

WHEREAS, the Site Management Plan requires a final barrier cap system throughout the East Parcel consisting of either or a combination of two foot thick soil cover for landscaped or naturally vegetated areas, pavement (or similar hard surfaces) over non-vegetated areas, and/or permanent buildings or similar structures; and

WHEREAS, a portion of the East Parcel is located in an area currently designated as a floodplain and other portions of the East Parcel are located in an area currently designated as a floodway, and as a result thereof, any development of the East Parcel will require raising the existing grade by a minimum of five feet in order to properly protect proposed improvements; and

WHEREAS, the LDC has identified a source of the needed fill material from a location in the City of Yonkers under control of Sprain Road Associates (Fill Provider) which is under a NYSDEC Consent Order to remove the material from the Yonkers site and which as a result thereof is being made available to the LDC on the East Parcel free of charge; and

WHEREAS, NYSDEC considered the LDC's use on the East Parcel of fill from the Fill Provider's Yonkers site, and by electronic message dated November 20, 2015, NYSDEC approved the same pursuant to the Site Management Plan, subject to certain conditions with which the LDC will comply; and

WHEREAS, at a meeting of the Sleepy Hollow Village Planning Board (Planning Board) on November 19, 2015, LDC representatives made a preliminary presentation on the specifics of the proposed fill material, its location, and issues related to its condition and need for removal; and,

WHEREAS, on or about November 30, 2015, the LDC submitted to the Planning Board (i) an application pursuant to Sleepy Hollow Village Code Chapter 190, Excavation, Filling and Topsoil Removal for a Filling Operations Permit to import by the Fill Provider from its Yonkers site approximately 100,000 cubic yards of fill onto the East Parcel and make certain improvements in connection therewith, including the erection of construction trailers and security gates and cameras (Fill Permit), (ii) a Short Environmental Assessment Form on the work to be done under the Fill Permit, (iii) a Construction Management Plan on work to be done under the Fill Permit, (iv) a Stormwater Pollution Prevention Plan on work to be done under the Fill Permit, (v) a Filling Operations and Site preparation Plan on work to be done under the Fill Permit, and (vi) a Floodplain Development Permit Application on work to be done under the Fill Permit (collectively, Fill Application); and

WHEREAS, at a meeting of the Planning Board on December 10, 2015, representatives of the LDC discussed with the Planning Board the details of the work to be done under the Fill Permit, including the use of proposed construction related equipment, proposed routing of materials, and erosion control; and

WHEREAS, on December 16, 2015, representatives of the Fill Provider conducted a demonstration of a rock crushing machine on the East Parcel at which time noise measurements were taken from various locations on the East Parcel and in the surrounding neighborhood; and

WHEREAS, on January 6, 2016, representatives of the Fill Provider conducted a demonstration of a rock breaking machine on the East Parcel at which time noise measurements were taken from various locations on the East Parcel and in the surrounding neighborhood; and

WHEREAS, at a meeting of the Planning Board on December 17, 2015, the Planning Board opened a Public Hearing on the Fill Application; and

WHEREAS, no potentially significant adverse environmental impacts are identified in the Short Environmental Assessment Form submitted to the Planning Board as part of the Fill Application;

NOW THEREFORE, pursuant to Part 617 of Title 6 of the New York Code of Rules and Regulations, be it:

RESOLVED, that the LDC as Lead Agency finds and determines that:

1. The Fill Permit and work contemplated under the Fill Permit will not commit the LDC or the Village to undertake or approve any future development of the East Parcel.
2. Any future development of the East Parcel beyond the work contemplated under the Fill Permit will require full environmental review, including the preparation of an Environmental Impact Statement.
3. The Fill Permit and work contemplated under the Fill Permit will not restrict the ability of the LDC or the Village in the future to consider alternatives to the Proposed Action and/or any mitigation in connection with the Proposed Action or any other action that otherwise would be available in connection with development of the East Parcel.

4. The Fill Permit and work of the sort contemplated under the Fill Permit will be required under the NYSDEC Site Management Plan and the Village Floodplain Development Regulations for any further improvement or development of the East Parcel.
5. The Fill Permit and work contemplated under the Fill Permit have utility and importance independent of the Proposed Action.
6. Segmentation and consideration of the Fill Application separate from the SEQRA Review of the Proposed Action will be no less protective of the environment than consideration of the Fill Application as part of the SEQRA Review of the Proposed Action.

RESOLVED, that the LDC as Lead Agency determines that segmentation and consideration of the Fill Application separate from the SEQRA Review of the Proposed Action is permissible pursuant to 6 N.Y.C.R.R. §617.3(g)(1) for the reasons set forth.

RESOLVED, that after preparation and review of the Short Environmental Assessment Form and other material submitted to the Planning Board as part of the Fill Application, the LDC as Lead Agency determines that the Fill Permit and work contemplated under the Fill Permit are consistent with the environmental review and Findings made by the Village Board of Trustees as part of the environmental review for redevelopment of the GM Property and reaffirms the Village Board of Trustees' determination that work of the sort contemplated under the Fill Permit as called for by the Village Floodplain Development Regulations and the NYSDEC Site Management Plan meet the goals and policies presented in the Village's Local Waterfront Development Program, and that the Fill Permit and work contemplated under the Fill Permit will not have any significant adverse environmental impact under the criteria set forth in 6 N.Y.C.R.R. §617.7.

RESOLVED, that the either the Chairman of the Board of Directors or the Executive Director of the LDC is authorized and directed to prepare and file a negative declaration for the Fill Permit and work contemplated under the Fill Permit under 6 N.Y.C.R.R. §617.12 in accordance with and to the extent required by law.

On motion duly made by Director Wray and seconded by Director Dawley, the foregoing resolution was placed before the Board of Directors of the Corporation:

	Yea	Nay	Abstain	Absent
David Schroedel	X			
Kenneth Wray	X			
Anthony J. Scarpati	X			
Michael Dawley	X			
Teresa Oeste-Villavieja				X

Moved: Director Wray

Seconded: Director Dawley

Vote: 4-0 (Director Oeste absent)