

Meeting Date: 07/25/2017

Resolution #: 07/12/2017

**RESOLUTION OF THE SLEEPY HOLLOW LOCAL DEVELOPMENT CORPORATION  
ADOPTING FINDINGS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY  
REVIEW ACT ("SEQRA") RELATING TO THE SUBDIVISION AND SALE OF THE  
SIDING; AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS  
AND AGREEMENTS RELATING TO THE FOREGOING**

A regular meeting of the Directors of the Sleepy Hollow Local Development Corporation was convened on July 25, 2016 at 7:00 p.m.

The following resolution was duly offered and seconded, to wit:

**WHEREAS**, the Sleepy Hollow Local Development Corporation (the "Corporation"), acquired that portion of the former General Motors North Tarrytown Assembly Plant property known as the East Parcel ("East Parcel") by Bargain and Sale Deed Without Covenants Against Grantor's Acts dated December 22, 2014, and recorded in the Westchester County Clerk's Office (Division of Land Records) under Control Number 543173286 on December 24, 2014; and

**WHEREAS**, prior to and continuing since the Corporation's acquisition of the East Parcel in December 2014, Metro-North Commuter Railroad Company ("MNRC") has utilized the railroad track sidings and certain railroad track spur improvements located on the East Parcel ("Siding and Spur"); and

**WHEREAS**, in furtherance of the foregoing, the Corporation and MNRC entered into a certain Temporary Rail Siding License Agreement with Exclusive Option, effective as of January 31, 2016 (the "Agreement"), such Agreement containing terms and conditions for the continued temporary license rights for MNRC's continued access and use of the siding improvements (the "Siding") along with access rights through an Access Corridor (as defined within the Agreement), along with the grant to MNRC of an exclusive option to acquire fee title to the Siding and a permanent easement for use of the Access Corridor (the "Option", as defined within the Agreement); and

**WHEREAS**, pursuant to the Agreement, and prior to the exercise of the Option by MNRC and the disposition of the Siding and Easement by the Corporation (the "Disposition"), the Corporation and MNRC are required to satisfy certain express contingencies (the "Express Contingencies"), including (i) issuance by the Corporation of a certain notice of negotiated disposition (explanatory statement) to required parties in accordance with PAL Section 2897 (the "Disposition Notice"); (ii) procurement by MNRC of a survey rendering of the Siding as approved by the Corporation (the "Survey"); and (iii) the Corporation's application to and approval by the Village Planning Board for subdivision of the Siding from the East Parcel (the "Subdivision"), along with compliance with the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and Regulations adopted

pursuant thereto by the Department of Environmental Conservation of the State (collectively, "SEQRA"), in connection with the Subdivision and Disposition of the Siding and related Easement by the Corporation to MNRC; and

**WHEREAS**, the Corporation (i) issued the Disposition Notice on February 12, 2016, (ii) approved the MNRC-procured Survey; and (iii) previously applied for and received preliminary approval for Subdivision on July 21, 2016; and

**WHEREAS**, pursuant to SEQRA, the Corporation has identified the Subdivision and Disposition collectively as an "Unlisted Action", as defined pursuant to SEQRA and has prepared an Environmental Assessment Form ("EAF"), a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, pursuant to and in accordance with the terms of the Agreement, the Corporation desires to (i) adopt findings pursuant to SEQRA; (ii) authorize the Disposition; and (iii) authorize the execution and delivery of documents and agreements relating to same.

**NOW THEREFORE, BE IT RESOLVED** by the Directors of the Corporation as follows:

Section 1. Based upon a review of the Agreement, the EAF and the Subdivision application submitted to the Planning Board, along with related documents and materials submitted to the Corporation, the Corporation hereby:

(i) declares itself lead agency for an uncoordinated review of the Subdivision and Disposition, within the meaning of, and for all purposes of complying with SEQRA;

(ii) accepts the EAF pursuant to SEQRA with respect to the Subdivision and Disposition pursuant to SEQRA; and

(iii) finds that the Subdivision and Disposition collectively involve an "unlisted action" (as such quoted term is defined under SEQRA). The review is "uncoordinated" (as such quoted term is defined under SEQRA). Based upon the review by the Corporation of the EAF and related documents, the Corporation hereby finds that (i) the Subdivision and Disposition will result in no major impacts and, therefore, will not cause significant damage to the environment; (ii) the Subdivision and Disposition will not have a "significant effect on the environment" (as such quoted term is defined under SEQRA); and (iii) no "environmental impact statement" (as such quoted term is defined under SEQRA) need be prepared for this action. This determination constitutes a "negative declaration" (as such quoted terms are defined under SEQRA) for purposes of SEQRA.

Section 2. Subject to the exercise of the Option by MNRC, along with compliance with all other requirements of the Agreement (including the satisfaction of all Express Contingencies including the release of restrictive covenants relating to the East Parcel, and

hereinafter, the "Release"), the Corporation hereby authorizes the undertaking of the Disposition of the Siding and Easement to MNRC.

Section 3. Subject to the foregoing, the Chairman and Chief Executive Officer of the Corporation are each authorized to execute and deliver all deeds, documents and agreements required to undertake the Disposition and Release as may be approved by the Chairman, Chief Executive Officer and counsel to the Corporation.

Section 4. The officers, employees and agents of the Corporation are hereby authorized and directed for and in the name and on behalf of the Corporation to do all acts and things required and to execute and deliver all such certificates, deeds, notices, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Corporation with all of the terms, covenants and provisions of the documents executed for and on behalf of the Corporation.

Section 5. These Resolutions shall take effect immediately upon adoption.

On motion duly made by Director Oeste-Villavieja and seconded by Director Dawley, the forgoing resolution was placed before the Board of Directors of the Corporation and voted:

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

Motion was carried 3-0.

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) SS:

I, the undersigned Joan Bucci, Acting Secretary of the Sleepy Hollow Local Development Corporation, DO HEREBY CERTIFY:

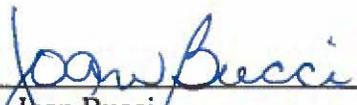
That I have compared the annexed extract of minutes of the meeting of the Sleepy Hollow Local Development Corporation (the "Corporation"), including the resolution contained therein, held on July 25, 2016, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Corporation and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Corporation had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Corporation present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation this 26<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
Joan Bucci  
Acting Secretary

[SEAL]

**EXHIBIT A**  
**EAF**

## Short Environmental Assessment Form

### Part 1 - Project Information

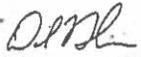
#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Subdivision for Metro North rail sidings			
Project Location (describe, and attach a location map): 60 Continental Street			
Brief Description of Proposed Action: subdivision of an approximately 1.354 acre parcel from the existing 28.29 +/- acre East Parcel. New 1.354 +/- acre parcel (the New Parcel) contains existing railroad sidings adjacent to existing Metro-North rail lines. The New Parcel would be sold to Metro-North for their use.			
Name of Applicant or Sponsor: Sleepy Hollow LDC		Telephone: 914-366-5105	
		E-Mail: david.schroedel@sleepyhollowldc.org	
Address: 28 Beekman Avenue			
City/PO: Sleepy Hollow		State: NY	Zip Code: 10591
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: subdivision approval from the Sleepy Hollow Planning Board			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.354 acres	
b. Total acreage to be physically disturbed?		NA acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		28.29 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input checked="" type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>David B. Smith on behalf of the SHLDC</u>      Date: <u>5/7/2016</u></p> <p>Signature: <u></u></p>		



Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

### *Short Environmental Assessment Form Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Sleepy Hollow Planning Board	
_____ Name of Lead Agency	_____ Date
Lisa Santo _____ Print or Type Name of Responsible Officer in Lead Agency	Chairwoman _____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)

Project:

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Sleepy Hollow Planning Board

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

Lisa Santo

\_\_\_\_\_  
Chairwoman

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)