



3

Land Use, Zoning and Public Policy

3.1 Introduction

The Land Use, Zoning and Public Policy section is a review of the existing conditions in regards to the present land use and zoning on and around the Project Site. This section identifies the impacts to land use and zoning likely from the proposed action and mitigation measures for anticipated adverse impacts. This section also describes the environmental regulations and public policy impacts affecting and resulting from the proposed action.

3.2 Land Use

3.2.1 Existing Conditions

The developed area surrounding the project site, particularly east of Route 9, is largely single-family residential housing on small lots ranging from 7,500 square feet to 20,000 square feet.

Existing on-site land uses include five residential structures and an existing private roadway. The private road enters the site from Browning Lane and from the westerly edge of the site (at the eastern edge of the Emerald Woods site).

Of the five existing residential structures on the property, two residential structures will remain and the two residential structures known as Gracemere Courts and the existing structure known as the Gate House will be demolished. The existing residential structures on the site include:



- Gracemere Hall – contains 8 apartments (to remain)
- Gracemere Lodge – contains 3 apartments (to remain)
- Gate House – single family (to be demolished)
- Gracemere Courts – two separate single-family homes (both are to be demolished)

According to Town of Greenburgh Tax Assessment Records, Gracemere Lodge contains three apartments and Gracemere Hall contains eight apartments. By the mid-twentieth century (prior to HSA's purchase of the property in 1975) Gracemere Lodge and Gracemere Hall had been converted into apartments.

All of the existing dwelling units are currently occupied. The existing buildings are used primarily as housing for church members. The age, condition and architectural attributes of the existing structures are detailed in Chapter 2: Project Description. The proposed subdivision will provide individual lots for both of the existing structures to remain on the site.

3.2.1.1 Prior Approvals for This Property and Use of Existing Structures

The subject site was up-zoned by the Board of Trustees of the Village of Tarrytown in 2000. In September, 2000, the Board created two new zoning designations: R-60 (Single Family, 1.5-acre lots) and R-80 (Single Family, 2-acre lots) and mapped these zones at various locations in the Village. The subject site was rezoned from R-20 (½ acre) to R-60 (1½ acre lots) at the time. The rezoning was enacted by the Board with the goals of open space preservation and to reduce the impacts resulting from new residential development, including the effects on traffic and schools among others. Accompanying that rezoning was an overall environmental review, provided in accordance with the requirements of the New York State Environmental Quality Review Act. The environmental review concluded that the rezoning would be beneficial and would have no significant effect on the environment.

There has been no new construction on the project site since the 1950s. HSA acquired the property in 1975 with several buildings. As shown on Exhibit 1-1, Existing On-Site Structures and Water Features, the existing buildings include the Gate House, Gracemere Lodge, Gracemere Hall, and Gracemere Courts. Another building known as the Browning Estate was demolished in 2005. A demolition permit was obtained from the village prior to demolition of the Browning Estate. Today, the existing buildings are used primarily as housing for church members.

As part of the proposed project, the two existing cottages known as Gracemere Courts will be removed and the existing structure known as the Gate House will be demolished. Separate lots will be created for Gracemere Lodge and Gracemere Hall. According to Town of Greenburgh Tax Assessment Records, Gracemere Hall contains eight apartments and Gracemere Lodge contains three apartments.



According to historical records reviewed for the Phase 1A/IB Archaeological and Architectural Investigation, Gracemere Hall and Gracemere Lodge were converted into apartments by the mid-twentieth century.

Five single-family homes are located south of Upper Gracemere Lake (see Exhibit 2-2, Adjoining Property Owners, map reference #10 through 17). These properties are accessed from the existing private road that is owned by HSA (the Applicant), but these properties are not owned or controlled by the Applicant.

There are three other single-family homes located in this general vicinity of the project site (see Exhibit 2-2, Adjoining Property Owners, map reference #6 through 9). These properties are also accessed from the existing private road that is owned by the Applicant, but these properties are not owned or controlled by the Applicant.

For a detailed survey of any historic remnants, cultural features or architectural attributes that remain on the project site, see Chapter 4: Cultural Resources and Appendix 16.3: Phase 1A/IB Archaeological and Architectural Investigation.

There is evidence of modern dumping on the project site along Sheldon Avenue where there are numerous car tires and other debris. In the area north of Turtle Pond, there is the rear portion of a very old car, an old car battery and scattered debris including various kinds of metal and glass.

North of the project site (across Sheldon Avenue) and generally to the east of the site is the Taxter Ridge Park Preserve. Taxter Ridge Park is located along Taxter Road and the New York State Thruway and borders with the Village of Tarrytown and a portion of the Jardim Estates East project site. The property is located adjacent to a portion of the Jardim Estates East project site to the east of the Tarrytown/Greenburgh town line (in Greenburgh). A neighborhood park is located on Sheldon Avenue, within a short walking distance from the project site. A ±7.6 acre residential property is located to the east of the site, between the project site and Taxter Ridge Park. South of the project site is a large (±55 acre) privately owned vacant parcel that connects to Taxter Ridge Park Preserve. The southwest corner of the site is bordered by the Nigerian Embassy property. To the west of the project site is the Emerald Woods subdivision.

Uses to the west of the site that do not necessarily border the subject site include the property formerly used for a summer day camp, which contains a clubhouse building, outdoor swimming pool and similar facilities. The area south of the Nigerian Embassy property is single-family residential.

Land uses along South Broadway in the vicinity of the subject site include commercial uses such as a car dealership and a diner. Approximately one mile northwest of the site on South Broadway, there is a shopping center that contains a supermarket, bank, delicatessen and several other commercial uses.



On the west side of South Broadway is a campus used by Kraft/General Foods as an office and technical center. The driveway entrance to Kraft/General Foods is directly opposite the existing driveway entrance to the Emerald Woods site. Further north on South Broadway beyond the General Foods Training Center is a hotel/conference center (DoubleTree Hotel) and a public/quasi-public use (Jewish Community Center). Further north is the Jewish Community Center, known as JCC on the Hudson. In 2009, JCC acquired the building adjacent to its current venue, a former General Motors training site. The current JCC facility is 17,600 square feet on 1.1 acres of land. With the addition of the new building, the JCC facility will total 75,000 square feet on 6.6 acres. Construction is expected to be complete in 2013.

South of the General Foods site, the west side of South Broadway to the Irvington boundary at Sunnyside Lane is a concentration of public/quasi-public properties. Several of these sites allow public access to historic landmarks and the landscape that surrounds these resources, including Lyndhurst and Sunnyside. These and other nearby uses are shown on Exhibit 3-1, Generalized Land Use.

3.2.2 Future without the Project

Within the study area, the "Future without the Project" could include the potential development of several properties within the study area.

3.2.2.1 Potential for Development of Nearby Undeveloped Properties

Within the immediate vicinity of the proposed project site there are two vacant properties that could potentially be developed. Each of the properties are shown on Exhibit 3-1 and described below.

Islamic Center Site

The 5.22-acre property identified on Exhibit 3-1, Generalized Land Use, has been the subject of prior preliminary proposals for the development of an Islamic Cultural Center. To the north, east and south, the vacant property is adjacent to portions of the Jardim Estates East property. To the northwest and to the west of the vacant property are multiple single-family residential properties. The only direct roadway access to this property appears to be from the eastern end of Embree Street, through a single-family residential neighborhood.

There are currently no official development proposals for this property. If the property owners were to pursue development of the site, the property could be used for any of the principal uses permitted in the R-60 zoning district including: single-family homes; houses of worship; municipal uses; noncommercial farm buildings or



greenhouses; community centers; recreation centers and clubhouses. According to the Tarrytown Comprehensive Plan¹, up to four single-family homes could be developed on this site. Based on site development considerations such as steep slopes and wetlands, development on this site would likely be limited to fewer homes.

Tarry Grand Estates

Tarry Grand Estates is a proposed residential subdivision currently being reviewed by the Town of Greenburgh Planning Board. The Town of Greenburgh Planning Board, has held a pre-submission conference to discuss the proposed subdivision consisting of a thirteen (13) lot subdivision to create twelve (12) single family residences. The applicant proposes to dedicate one of the lots for open space. According to the Town of Greenburgh Planning Board, access to the site is proposed from Roundabend Road in the Village of Tarrytown. The property consists of approximately 2,468,109 square feet and is located at the end of Roundabend Road in the Village of Tarrytown. The property is located in the R-40 One-Family Residence District and is designated on the tax map of the Town of Greenburgh as Parcel ID 7.300-142-3.²

The property, which is located south of the project site (see Exhibit 3-1, Generalized Land Use), is located in the R40 zoning district (Town of Greenburgh Zoning Code). Further, the property is within a Conservation District (CD) Zone, which is an overlay zone that establishes objectives and criteria for evaluating development within a CD area.

Greystone on Hudson

The Greystone on Hudson site is located at 612 South Broadway in the Village of Tarrytown. The property is located east of Route 9 and south of the Old Croton Aqueduct. The Greystone property includes two adjacent tax lots totaling 23.16 acres. The site is currently the subject of a preliminary application before the Tarrytown Planning Board for proposed road improvements and an 8-lot proposed plan.

The property could be used for any of the principal uses permitted in the R-60 zoning district including: single-family homes; houses of worship; municipal uses; noncommercial farm buildings or greenhouses (on lots larger than five acres); community centers; recreation centers and clubhouses. Approximately 15 single-family homes could be developed on this site³, exclusive of possible site development considerations such as steep slopes and wetlands, which could limit development to fewer than 15 homes.



1 Tarrytown Comprehensive Plan (March 2007), Theoretical Development Build-Out (page 2-10).
2 Town of Greenburgh Planning board Agenda, May 4, 2011.
3 According to the Tarrytown Comprehensive Plan, Tarrytown NY (March, 2007), p. 2-10.



As of this writing (December 2011), the Tarry Grand Estates and Greystone on Hudson projects are in the preliminary or informal review stages and details relative to access to both of these sites are still being explored. However, there is some discussion of using the existing roadway which provided access to the original Greystone estate from Broadway, north of the Tarryhill Homeowners Association recreational facility to provide access to the proposed Tarry Grand Estates. Access to Tarry Grand Estates could also include an extension of Roundabend Road.

3.2.3 Potential Impacts as a Result of the Proposed Action

The proposed development will utilize a mostly undeveloped site for residential purposes. Additional single-family homes on this site would be a compatible land use with existing on-site residential uses and surrounding land uses that are mostly residential and quasi-public. Two existing residential structures on the site (Gracemere Hall and Gracemere Lodge) will remain. The two existing structures known as Gracemere Courts and the existing structure known as the Gate House will be demolished.

The conventional layout plan will result in the development of the entire 46.6-acre site for 12 residential lots and the associated roadways. The residential lots will cover virtually the entire 46.6-acre site, including Upper Gracemere Lake and Turtle Pond as well as those sections of the property with steep slopes and wetlands.

The proposed subdivision design utilizes the site's existing private roadways with a new extension of the private road branching through the central portion of the site to allow access to several new residential lots. The density is lower than that of development to the west and northwest.

The proposed development will result in an increase in impervious surfaces, including roads, driveways and buildings. At full build out of the site, there will be 1.53 acres of additional impervious surfaces.

3.2.4 Relationship to Taxter Ridge Park

The Taxter Ridge Park Preserve is located along Taxter Road and the New York State Thruway and borders with the Village of Tarrytown and a portion of the Jardim Estates East project site. In 2004, the Town of Greenburgh, Westchester County and New York State acquired 183 acres of contiguous vacant property from HSA to be preserved as parkland. The parkland property is located adjacent to a portion of the Jardim Estates East project site to the east of the Tarrytown/Greenburgh town line (in Greenburgh). Taxter Ridge Park also includes an additional 17.58 acres along Sheldon Avenue in Tarrytown.



Vehicular and pedestrian access to Taxter Ridge Park is addressed in the **Taxter Ridge Park Preserve Natural Areas Management Plan (April 2008)**⁴. The plan illustrates the site topography, trails and parking for Taxter Ridge Park. See Exhibit 3-2, Taxter Ridge Park: Topography, Trails & Parking. Exhibit 3-3, Sheldon Avenue Trailhead, illustrates parking for five cars plus one ADA parking space (total six parking spaces) on Sheldon Avenue. There is also signage identifying the park and access to the trail.

Exhibit 3-4, Taxter Ridge Parking Area, is a schematic plan that illustrates parking for 12 cars (plus two ADA spaces) along Taxter Road. The parking area would connect to a 6' wide trail.

The proposed project will not impact existing or future vehicular or pedestrian access to Taxter Ridge Park as shown in the Taxter Ridge Park Preserve Natural Areas Management Plan.

Under the proposed conventional layout plan, the site and all on-site roadways would remain privately owned with no direct vehicular or pedestrian links to the adjacent Taxter Ridge Park Preserve.

There are no sidewalks currently provided within the project site and sidewalks are not proposed.

The effect of the proposed project on Taxter Park and its sensitive area as defined by the Michael Klemens report is provided in this DEIS in Chapter 5: Natural Resources.

3.2.5 Mitigation

Since the proposal calls for single-family homes in a single-family area, there are no significant adverse impacts related to the proposed land uses on the site. The proposed plan will result in 12 residential lots on the 46.6 acre site, including lots for two existing structures, demolition of three existing structures and construction of ten new homes.



⁴ Taxter Ridge Park Preserve Natural Areas Management Plan, Hudson & Pacific Designs, April 2008.



3.3 Zoning

3.3.1 Existing Conditions

Village of Tarrytown

Lot and bulk requirements for the R-60 zoning district are as follows:

- minimum lot size: 60,000 square feet
- minimum lot width: 150 feet
- maximum lot coverage of principal building: 10%
- maximum lot coverage of all buildings: 12%
- minimum front yard: 40 feet
- minimum for each side yard: 25 feet
- minimum for two side yards: 50 feet
- minimum rear yard: 45 feet
- minimum floor area per dwelling unit: 1,800 square feet

Principal uses permitted in the R-60 zoning district include: single-family homes; houses of worship; municipal uses; noncommercial farm buildings or greenhouses (on lots larger than five acres); community centers; recreation centers and clubhouses. Uses requiring compatible use permits include: institutional housing such as nursing homes, group homes, retirement communities, congregate housing and adult homes; and educational facilities.

Permitted accessory uses in the R-60 zoning district include: noncommercial greenhouses; the keeping of not more than five household pets over the age of six months; the keeping of not more than two boarders or lodgers; customary incidental home occupations; professional offices or studios of artists, architects; dentists; doctors or engineers residing on the premises; accessory private garage space; organized child care facilities; swimming pools; tents, trailers, boats, recreational vehicles and mobile homes; solar-heating devices; wind-energy devices; and tennis courts.

The Tarrytown Planning Board has the authority to restrict new construction and vegetation removal on lands that contain: slopes with a grade of 25 percent or more; ridgelines 300 feet or higher; the top feet of any hilltop; wetlands; significant amounts of vegetation; watersheds and watercourses; and significant amounts of vegetation.

Surrounding Zoning

Intermixed through the area north of the project site are formerly large parcels that have been subdivided and which have been variously zoned to R-15 (Single-family, 15,000 square foot lots), R-10 (Single-family, 10,000 square foot lots), or R-7.5 (Single-family,



7,500 square foot lots). Exhibit 3-5, Zoning Map, shows that the subject site is bordered by these higher density residential zones R7.5, R10 R15 to the north and northeast. Areas adjacent to the project site on the east and south share the same R-60 zoning designation as the project site. Further south of the site, residential zoning designations include R-20 (Single-family, 20,000 square foot lots), R-15 (Single-family, 15,000 square foot lots), and R-10 (Single-family, 10,000 square foot lots).

Zoning for single-family residence districts in the Village of Tarrytown are summarized on Table 3.1.

Table 3.1 Village of Tarrytown Single-family Residential Zoning

Zone	Minimum Lot Size (square feet)	Width at Front of Building (feet)	Principal Building Coverage (%)	Accessory Building Coverage (%)	Total Building Coverage (all buildings) (%)	Minimum Front Yard (feet)	Minimum for Each Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height (stories)	Maximum Height ¹ (feet)	Minimum Floor Area per Dwelling Unit (square feet)
R-80 ²	80,000	150	8 ³	2.0	10 ⁵	40	30	50	2.5	30	1,800
R-60 ²	60,000	150	10 ⁴	2.0	12 ⁶	40	25	45	2.5	30	1,800
R-40	40,000	150	14.0	3.5	17.5	40	20	36	2.5	30	1,800
R-30	30,000	135	16.0	4.0	20.0	35	18	34	2.5	30	1,650
R-20	20,000	120	18.0	4.5	22.5	30	16	32	2.5	30	1,500
R-15	15,000	115	20.0	5.0	25.0	27	14	30	2.5	30	1,350
R-10	10,000	100	22.0	5.5	27.5	25	12	28	2.5	30	1,200
R-7.5	7,500	75	24.0	6.0	30.0	20	10	26	2.5	30	1,050
R-5	5,000	50	30.0	0.0	30.0	20	8	26	2.5	30	900
R-Zones	65,000	100	20.0	5.0	25.0	25	25	50	2.5	30	0

- 1 Building walls shall not encroach upon a light exposure plane measured 45o vertically from the base of neighboring setback lines. If an existing structure is located within a mandatory side yard setback, then the point of measurement for a light exposure plane shall be at a point equal to the required side yard setback.
- 2 Dimensions for lot size, frontage and yard setbacks may be reduced for lots within the R-60 and R-80 Districts, without any increase in overall lot count, if the Planning Board determines that the resulting lot and building configuration would enhance the overall physical and visual character of the proposed development and/or provide enhanced visual or physical access to open space. Reduction in lot and bulk controls shall be in context with dimensional parameters of adjacent properties, but in no case shall minimum lot sizes be reduced below R-30 standards.
- 3 Principal building coverage on lots less than 80,000 square feet, but more than 60,000 square feet, within the R-80 zone shall be a maximum of 10 percent.
- 4 Principal building coverage on lots less than 60,000 square feet within the R-60 zone shall be a maximum of 12 percent.
- 5 Total building coverage on lots less than 80,000 square feet, but more than 60,000 square feet, within the R-80 zone shall be a maximum of 12 percent.
- 6 Total building coverage on lots less than 60,000 square feet within the R-60 zone shall be a maximum of 14 percent.

Commercial zoning is present along Route 9 and Route 119. Along South Broadway, the Zoning Ordinance includes the Historic Commons District.

The Historic Commons (HC) zoning district preserves the remaining open spaces on the west side of South Broadway and maintains the existing pattern of development between South Broadway and the Hudson River. The HC zoning designation applies to the west side of South Broadway including the southern portion of the General Foods property south to the Irvington boundary at Sunnyside Lane. The purpose of the Historic Commons zoning district is to preserve the visual integrity of several historic resources and the landscape that surrounds these resources, including Lyndhurst and Sunnyside, both of which are National Historic Landmarks and listed on the National Register of Historic Places.



The South Broadway Historic District is a limited buffer zone created to further protect and enhance designated historic districts and landmarks by requiring a certificate of appropriateness prior to demolition, new construction or other activity within or substantially contiguous to a designated historic district.

The section of Tarrytown in which the site is located is separated from Tarrytown village downtown by a transportation corridor that includes the New York State Thruway (Interstates 87 and 287) and White Plains Road/Route 119, just north of the site. Zoning designations for the White Plains Road corridor, a portion of which is subject to Town of Greenburgh Zoning, include OB (Office Building), MU (Mixed Use), LB (Limited Business) and NS (Neighborhood Shopping). Permitted uses in the OB zoning district include: any use permitted in a one-family R-15 district; executive businesses; non-retail sales; accounting; general offices and research labs; executive office training schools; telephone substations and electrical substations. Uses permitted in the MU zoning district include: municipal uses; farms, nurseries or commercial greenhouses; community centers, recreation centers or clubhouses; executive business sales, accounting and general offices and research laboratories; multifamily residential facilities; TV/radio stations; commercial athletic recreation facilities; clubs, fraternal societies, banks and motion picture theaters and restaurants.

Uses permitted in the LB zoning district include: any use permitted in a Residence R-5 District plus the following uses requiring compatible use permits: educational facilities; institutional housing; business, professional or banking offices; public buildings or offices; restaurants or other places serving food or beverages; technical training centers and motor hotels. Uses permitted in the NS district include: one-family dwellings as permitted in the R-20 Residence District; any use as expressly permitted in the RR-Restricted Retail Business District; business, professional or banking offices; businesses for servicing of motor vehicles or sale of new motor vehicles.

Town of Greenburgh

The proposed project site lies wholly within the Village of Tarrytown, but the site is adjacent to Village's municipal boundary with the unincorporated Town of Greenburgh. As such, a portion of the study area is subject to Town of Greenburgh Zoning and land use regulations. The study area east of the Tarrytown/Greenburgh municipal boundary, south of White Plains Road and north of I-87/I-287, is zoned OB (Office-Business District). A large area of mostly vacant land south of I-87/I-287 is zoned R-40 (Single-family Residential, one-acre lots) with a CD (Conservation District) overlay. The R-40 zoning designation allows single-family homes, houses of worship, parks and recreation areas, public schools and government buildings as principal uses. Special permit uses in the R-40 zoning designation include: public utility structures, private clubs (on five to ten acres), prep schools, commercial stables, group or convalescent homes and hospitals.



The Conservation District is an overlay zone intended to preserve underlying zoning requirements while providing performance criteria to assure conservation of natural resources during and after development. The CD overlay may be applied to any undeveloped parcel (minimum 2.5 acres) that contains significant natural features or views. Any development in the CD zone must preserve at least 50 percent of the natural areas undisturbed; in effect this requires cluster development.

The area at the southern end of the study area located within the unincorporated Town of Greenburgh is variously zoned R-20 (20,000 square foot lots), R-10 (10,000 square foot lots), and R-7.5 (7,500 square foot lots), and has been almost fully built out to zoning allowances.

3.3.2 Potential Impacts as a Result of the Proposed Action

Conventional Plan

Under the conventional R-60 zoning classification the project site may be built as a subdivision for 12 single-family detached homes on lots of no less than 60,000 square feet. The conventional plan would meet all existing zoning requirements as illustrated in the following table.

Table 3.2 Conventional Bulk Zoning Regulation Schedule R-60 Zoning District (Village of Tarrytown) *

	Area (sf)	Area (Ac)	Required Street Frontage (min)(ft)	Width at Front of Bldg (ft)	Principal Bldg Cover (%) [*]	Accessory Bldg Cover (%)	Total Cover all Bldgs (%)	Min Front Yard (ft)	Min For Each Side yard (ft)	Min 2 Side Yards	Min Rear Yard (ft)	Max Height (Stories)	Max Height (ft)
Required	60,000	1.377	150	150	10.0	2.0	12.0	40	25	50	45	2.5	30
Lot 1	189,252	4.34	1,173	174	1.3	0.0	1.3	100	35	98	46	TBD	TBD
Lot 2 ^{***}	177,736	4.08	1,131	182	2.0	0.0	2.0	77	29	82	173	AS IS	AS IS
Lot 3	229,038	5.26	195	405	1.2	0.0	1.2	689	81	312	228	TBD	TBD
Lot 4	182,867	4.20	161	219	1.4	0.0	1.4	978	41	181	148	TBD	TBD
Lot 5	399,325	9.17	150	353	0.7	0.0	0.7	136	51	269	513	TBD	TBD
Lot 6	214,967	4.93	711	314	1.1	0.0	1.1	105	185	443	110	TBD	TBD
Lot 7	171,756	3.94	227	150	1.6	0.0	1.6	42	42	102	520	TBD	TBD
Lot 8	140,569	3.23	150	199	1.9	0.0	1.9	51	28	156	54	TBD	TBD
Lot 9	64,411	1.48	185	273	4.3	0.0	4.3	91	81	180	49	TBD	TBD
Lot 10	69,642	1.60	166	162	3.9	0.0	3.9	41	27	92	408	TBD	TBD
Lot 11 ^{***}	79,228	1.82	301	192	7.5	1.2 ^{**}	8.8	40	58	131	312	AS IS	AS IS
Lot 12	60,324	1.38	547	194	4.6	0.0	4.6	41	94	446	45	TBD	TBD

* Per § 305 Attachment 5, The Village of Tarrytown Zoning Schedule for Single-Family Residence Districts.

** Pre-Existing non-conforming side yard setback and primary building setback for accessory structure.

*** Existing residence to remain.

Notes: Total Parcel area: 2,029,896 Square Feet or 46.6 Acres

All building coverages for new houses assumes a house footprint of 2,500 square feet



If overall density at full build-out were calculated, the average density over the entire 46.6 acre site would be one home for every 3.8 acres. This compares with the existing zoning which allows lots of 60,000 square feet (1½ acres).

3.3.3 Mitigation

The proposed project will not result in adverse impacts to existing zoning regulations. The proposed subdivision is in compliance with bulk zoning regulations for the R-60 zoning district (Chapter 305 of the Village Code of Tarrytown, as amended 12-1-2008).

3.4 Environmental Regulations

Wetlands, Steep Slopes, Ridgelines and Hilltops (See Tarrytown Zoning Code §305-67)

To preserve wetlands, steep slopes, hilltops, ridgelines and hillsides, the Tarrytown Planning Board has the authority to restrict new construction and vegetation removal on lands that contain: steep slopes with a grade of 25 percent or more; ridgelines 300 feet or higher above sea level; and hilltops defined as a roughly circular area defined by a radius of 100 horizontal feet from the highest point of a hill. A hill is defined as a landform that rises at least 10 feet above the average elevation for the circumference of the circular area with a radius of 100 feet from that highest point. Tarrytown environmental regulations also provide restrictions intended to encourage preservation of wetlands, watersheds and watercourses and associated buffer areas; and significant amounts of vegetation.

Hilltops

No new structures or buildings may be erected on hilltops as defined by Tarrytown Zoning Code §305-67A(2)(c)⁵. The Jardim Estates East project site contains three hilltop areas which are illustrated on Exhibit 1-3, Layout Plan – Conventional Layout. No new structures or buildings are proposed within the hilltop areas.



⁵ §305-67A(2)(c) Hilltops: In areas of high ground (at least 300 feet above sea level), a roughly circular area defined by a radius of 100 horizontal feet from the highest point of a hill. A hill shall be defined as a landform that rises at least 10 feet above the average elevation for the circumference of the circular area with a radius of 100 feet from that highest point.



Wetlands

Only 50 percent of wetland area may be included when calculating development potential. The Planning Board may permit use of wetlands for flood control and other land protection. The Tarrytown Zoning Code defines wetlands/watercourse buffers as the area of land extending 150 feet horizontally away from and parallel to the outermost boundary of a wetland.

The Jardim East site has four wetland areas that meet the criteria of the Village of Tarrytown Code and the Army Corps of Engineers. The location of these wetlands is shown on Exhibit 5-4. The delineation of the site wetlands as shown on the current site plans was confirmed by B. Laing Associates on behalf of the Village of Tarrytown.

The wetlands as delineated are subject to regulation by the US Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. Seeing as no fill activities are proposed for any of the site wetlands, no action by the Corps is required.

These wetlands are also regulated by the Village of Tarrytown under Chapter 302 of the Village Code. As stated above the Village also regulates a 150-foot adjacent area to regulated wetlands and watercourses. No residences or other structures are proposed within 150 feet of any of the Village regulated wetlands. Some road and infrastructure improvements, as well as razing of existing structures, are proposed within this setback and will require a permit from the Village of Tarrytown as noted in this DEIS in Chapter 2: Project Description (see Table 2.4, Required Review/Approvals/Permits) and Chapter 5: Natural Resources.

Wetland D, which is located on the south side of Sheldon Road, may be considered to be hydrologically connected to DEC Wetland W-3. No activities are proposed within or adjacent to this wetland, and no DEC action is required.

Steep Slopes

Steep slopes are defined as those that have a grade of 25 percent or more over a minimum area of 200 square feet and a minimum width perpendicular to the natural contour of ten feet. Steep slopes may not be used or developed except for landscaping, drainage, access or public safety. The proposed plan has been designed to avoid impacts to steep slopes. No waivers, variances or permits are therefore needed with regard to steep slopes for the proposed conventional layout plan.



Ridgelines

In calculating development potential on sites within defined ridgelines, only 50 percent of steep slope areas, and 75 percent of ridgelines (unless the maximum height of any structure in the ridgeline is limited to 30 feet), may be counted toward total lot size. Steep slopes may be used for flood control and other land protection if permitted by the Planning Board.

Density Calculations

According to Tarrytown Zoning Code §305-67B, 50% of wetlands and steep slope areas are excluded from any and all density calculations pertaining to minimum lot size, coverage and other density calculations.

According to Tarrytown Zoning Code §305-67C, 25% of an area of high ground (defined as 300 feet or more above sea level) is to be excluded from all density calculations pertaining to minimum lot size, coverage and other density calculations. However, if the maximum height of any structure or building in the area of high ground is limited to 30 vertical feet as measured on the easterly side of the structure or building erected on the easterly slope of the area of high ground or measured on the westerly side of any structure or building erected on the westerly slope of the area of high ground, from the natural slope, the twenty-five-percent reduction in density calculations shall not apply. Based on the proposed finished floor, garage and basement elevations, this 25% reduction in density calculations would not apply.

The density calculations for each lot are illustrated in the following table.

Table 3.3 Conventional Layout – Buildable Areas

Lot #	Gross Lot Area (sf)	Wetland Area (sf)	50 % of Wetland Area (sf)	Steep Slopes Area (>25%) (sf)	50% of Steep Slopes Area (>25%) (sf)	High Ground Area (>300' El.) (sf)	25% of High Ground Area (>300' El.) (sf)	Total Area to be Excluded (sf)	Net Lot Area (sf)
1	189,252	91,326	45,663	7,019	3,510	0	0	49,173	140,080
2	177,736	0	0	77,987	38,994	0	0	38,994	138,743
3	229,038	13,375	6,688	49,484	24,742	7,555	1,889	33,318	195,720
4	182,867	18,407	9,204	27,783	13,892	10,161	2,540	25,635	157,232
5	399,325	63,798	31,899	73,744	36,872	15,504	3,876	72,647	326,678
6	214,967	14,978	7,489	66,914	33,457	0	0	40,946	174,021
7	171,756	11,208	5,604	13,573	6,787	0	0	12,391	159,366
8	140,569	0	0	31,457	15,729	0	0	15,729	124,841
9	64,411	0	0	1,158	579	0	0	579	63,832
10	69,642	0	0	4,445	2,223	564	141	2,364	67,279
11	79,228	0	0	1,213	607	0	0	607	78,622
12	60,324	0	0	197	99	8,033	2,008	99	60,226



As shown in the table above, under the existing R-60 zoning, the subject site would yield a total of 12 lots. The total acreage of the project site is 46.6 acres. The project site includes 8.1 acres of slopes in excess of 25% and 4.9 acres of wetlands (including Upper Gracemere Lake and Turtle Pond). Together, the slopes and wetlands total 13 acres, of which, 50% (or 6.5 acres) are excluded from density calculations, pursuant to Tarrytown Zoning Ordinance § 305-66B.

Significant Amounts of Existing Vegetation

The Tarrytown Zoning Ordinance § 305-66A(2)(e)[1] provides restrictions intended to encourage the preservation of significant amounts of vegetation. Subsequently, any tree designated for preservation and protection by the Tarrytown Municipal Code, which requires a tree removal permit process for all trees exceeding four inches in diameter at a height of four feet six inches; and prohibits any removal of 12 listed "specimen" trees unless the Tree Commission determines that they are a danger to persons and property, or are diseased and cannot be saved.

Based upon the current proposed site plan the project proposes to disturb approximately 7.92 acres (16.5 percent) of the project site. Trees within the limit of disturbance were surveyed. Details including common name, diameter, number of trunks and condition class were included in the data collected. This survey lists the identified trees within the limits of disturbance, all of which are likely to be removed during construction. The species, size, and condition of all trees to be removed are shown in Appendix 16.9, the Tree Survey Plan.

A total of 2,098 trees greater than 6 inches in diameter were identified within or adjacent to the proposed limits of disturbance. As currently configured the project engineer estimates that a total of 365 trees within this area will need to be removed. It should be noted that an area of approximately ten acres, including wetlands and wetland buffer, was not surveyed as this area is not proposed to be disturbed.

The extent of impacts to trees and other vegetation in this habitat type would be limited to the area of disturbance depicted on the tree survey. The plan currently calls for the removal of as few trees as possible and, wherever possible, trees will be protected.

3.5 Public Policy

3.5.1 Existing Conditions

Public policy documents relative to the subject site include local and county comprehensive plans, existing zoning and the Local Waterfront Revitalization Plan. As previously noted, the Proposed Action complies with existing R-60 zoning requirements.



3.5.1.1 Patterns for Westchester

Prepared by the Westchester County Planning Board and adopted December 5, 1995, *Patterns for Westchester* is a broad policy document regarding the County's future physical development. *Patterns* provides strategies for the County government and local municipalities to implement the common goals of serving people, conserving land and water and assuring economic growth in the following areas: economy; natural resources and the environment; housing; transportation; parks and recreation; historic and cultural resources; waste disposal; and physical facilities for social services and public safety.

Patterns also provides a *Patterns for Westchester Map*, a graphical statement about the direction development should take in Westchester. The map provides "parameters for county and municipal planning decisions by providing a unified picture of density that surrounds existing centers."

In terms of density, this map calls for Medium Density Suburban Development (MDS 2-4) on the project site. This means that Gross Residential Density would be two to seven dwelling units per acre. The density for the proposed development is one home for every 3.8 acres - much lower than the density prescribed by *Patterns*.

According to *Patterns*, Medium Density Suburban Areas blend physical development with the natural environment. However, the Proposed Action is fully consistent with *Patterns*.

3.5.1.2 Westchester 2025

The 2025 *Context for County and Municipal Planning and Policies to Guide County Planning* ("Westchester 2025") were adopted by the county's Planning Board on May 6, 2008 and amended January 5, 2010. Westchester 2025 is a guide to County planning designed to assist the County government and its 45 local municipalities to work together toward one regional vision, in defining community character and envisioning the future. The 1996 *Patterns* document is still an adopted plan of the Westchester County Planning Board. Only the "Assumptions and Policies" sections of *Patterns* have been replaced by the Westchester 2025's *Context for County and Municipal Planning and Policies to Guide County Planning*. The Proposed Action is consistent with Westchester 2025 policies and strategies including:

- Recommendations to preserve natural resources such as water bodies, wetlands, steep slopes and ridgelines.
- Recommendations to protect and enhance water quality and the management of stormwater flow.



3.5.1.3 Draft Local Waterfront Revitalization Program (LWRP)

The only public policy document specifically cited in the DEIS scope was the LWRP. A local waterfront revitalization program is a locally prepared, detailed land use plan that sets forth design, locational, and environmental standards for all development along the municipality's waterfront. The local waterfront revitalization program is administered by the Department of State, Division of Coastal Resources and Waterfront Revitalization and was established to enable the State's Coastal Management Program (CMP) to address the problems of coastal development in full partnership with local government. The Village of Tarrytown's draft LWRP is currently under review for approval by the Secretary of State. The draft LWRP incorporates local needs and objectives to establish policies for development in the program area.

The existing State Coastal Zone Boundary includes about 85 percent of the Village extending from the Hudson River east to the ridgelines that generally form the eastern boundary of the Village. The entire Village is proposed to be included in the Coastal Boundary as indicated in the Village's draft LWRP.

Historic and scenic resources policies contained in the Village of Tarrytown draft Local Waterfront Revitalization Program are relevant with respect to development of the project site. These include:

- **Policy 23.** Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation.
- **Policy 24.** Prevent impairment of scenic resources of statewide significance, as identified on the coastal area map. Impairment shall include: (i) the irreversible modification of geological forms, the destruction or removal of vegetation, the destruction or removal of structures, whenever the geological forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form or materials will diminish the scenic quality of an identified resource.
- **Policy 25.** Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.



3.5.1.4 Tarrytown Comprehensive Plan

The Tarrytown Comprehensive Plan (March 2007) is a broad policy document prepared by BFJ Planning under the supervision of the Comprehensive Plan Advisory Committee of the Village of Tarrytown. This document outlines the vision for the future of Tarrytown as well as the strategies that can be implemented to move toward that vision.

The Plan discusses the need for preservation of open space, and specifically targets vacant properties owned by HSA and others adjacent to Taxter Ridge Park⁶. The potential for adding the project site to Taxter Ridge Park is analyzed as an alternative in Chapter 9 of this DEIS. In addition, a cluster subdivision plan is analyzed as an alternative in Chapter 9 of this DEIS. Under the cluster alternative plan, open space areas totaling approximately 27.17 acres (approximately 57% of the site) would be preserved. These open space areas, including Turtle Pond, Upper Gracemere Lake, and trail access to Taxter Ridge Park, will help satisfy this goal as laid out in the Plan.

Included in the Tarrytown Comprehensive Plan is a table outlining the theoretical development potential of undeveloped parcels in single-family zoned districts. Within the R-60 district, the land proposed for Jardim Estates East is determined to have a maximum build out potential of 28 houses. The proposed development of the site is for 12 homes, less than half the number of homes estimated in the Comprehensive Plan.

3.5.1.5 Taxter Ridge Park Preserve Natural Areas Management Plan

The Taxter Ridge Park Preserve Natural Areas Management Plan was prepared in April 2008 to provide recommendations to sustain and enhance the Preserve's habitat diversity, biodiversity, and public access.

The Plan discusses the management practices that should be undertaken to properly maintain the integrity of the vegetation and wildlife habitat and population of the preserve. A full Biological resources inventory of the Jardim Estates East site has been conducted in accordance with the Wildlife and Plant Biodiversity Assessment Outline portion of the Scope for this DEIS. See Chapter 5: Natural Resources of this DEIS for the full analysis.

The Proposed Action is consistent with the Taxter Ridge Park Preserve Natural Areas Management Plan.



⁶ Tarrytown Comprehensive Plan, March 2007 (see page 205).



3.5.2 Potential Impacts of the Proposed Action

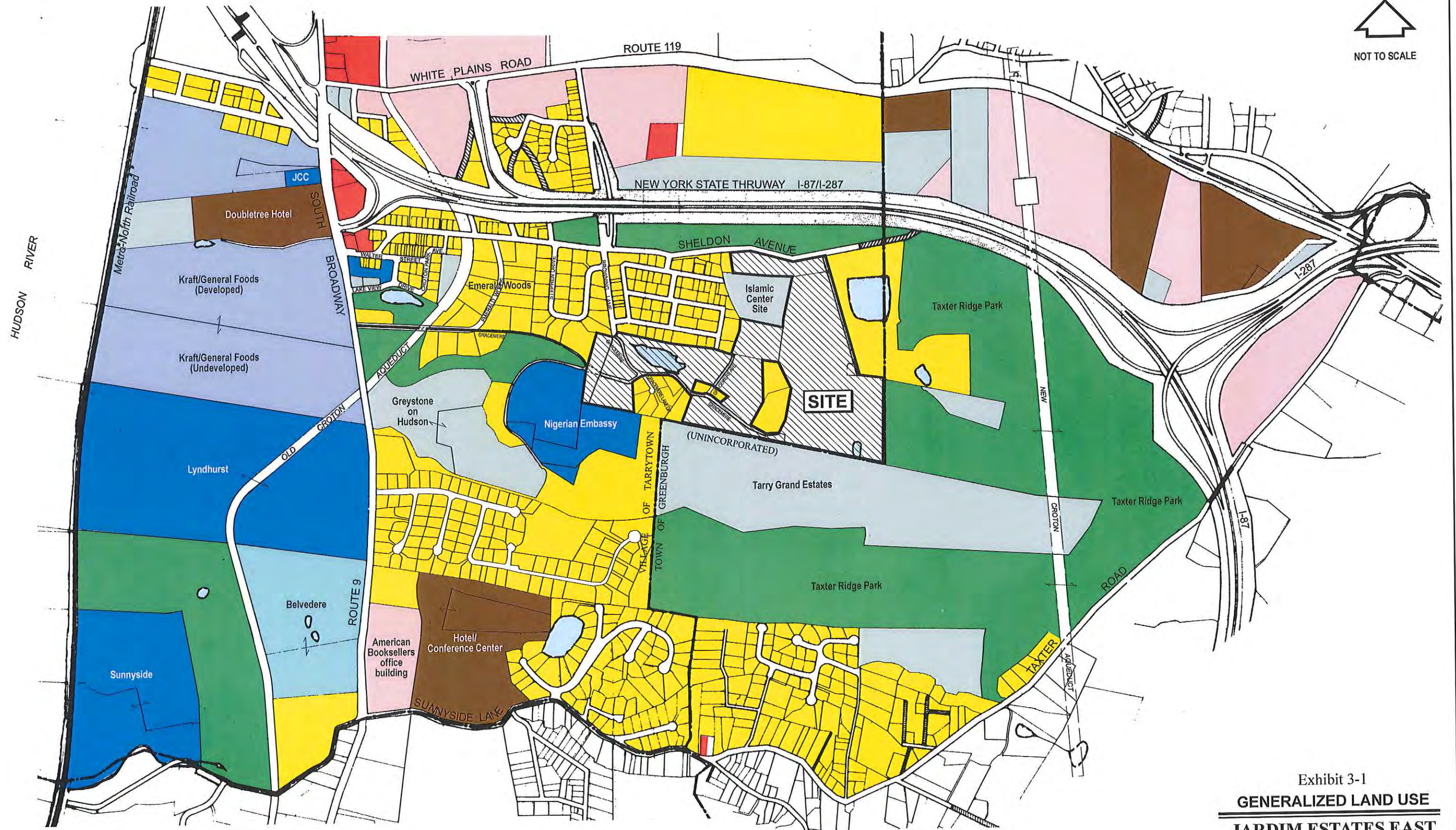
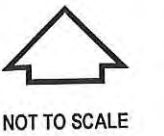
The proposed development is consistent with all applicable land use policy documents. The proposed development would preserve open space consistent with Westchester County planning and open space objectives and the density for the proposed development is much lower than the density recommended by *Patterns*. The proposed plan would also protect, enhance and restore historic and scenic resources consistent with the Village's draft LWRP.

Although there are no Statewide Areas of Scenic Significance currently designated in the Tarrytown area (Policy 24), the proposed project protects, restores and enhances natural and man-made resources that contribute to the overall scenic quality of the coastal area (Policy 25). The proposed plan retains the natural contours of the land to the maximum extent practicable by siting individual homes so as to conform to the existing topography.

3.5.3 Mitigation

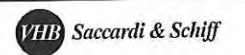
The proposed residential development is consistent with surrounding residential uses and existing public plans and policies.

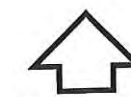
The project is consistent with lot and bulk requirements of the R-60 zoning district. The project is consistent with development restrictions aimed at preserving natural resources such as water bodies, wetlands, steep slopes and ridgelines. If overall density at full build-out were calculated, the average density over the entire 46.6 acre site would be one home for every 3.8 acres. This compares with the existing zoning which allows lots of 60,000 square feet (1½ acres).



- | | | |
|---------------------|-------------------------|----------------------------|
| Residential | Office/Technical Center | Easement for Public Access |
| Office | Hotel/Conference Center | Vacant |
| Public/Quasi-Public | Open Space | |

Exhibit 3-1
GENERALIZED LAND USE
JARDIM ESTATES EAST
Tarrytown, New York





NOT TO SCALE

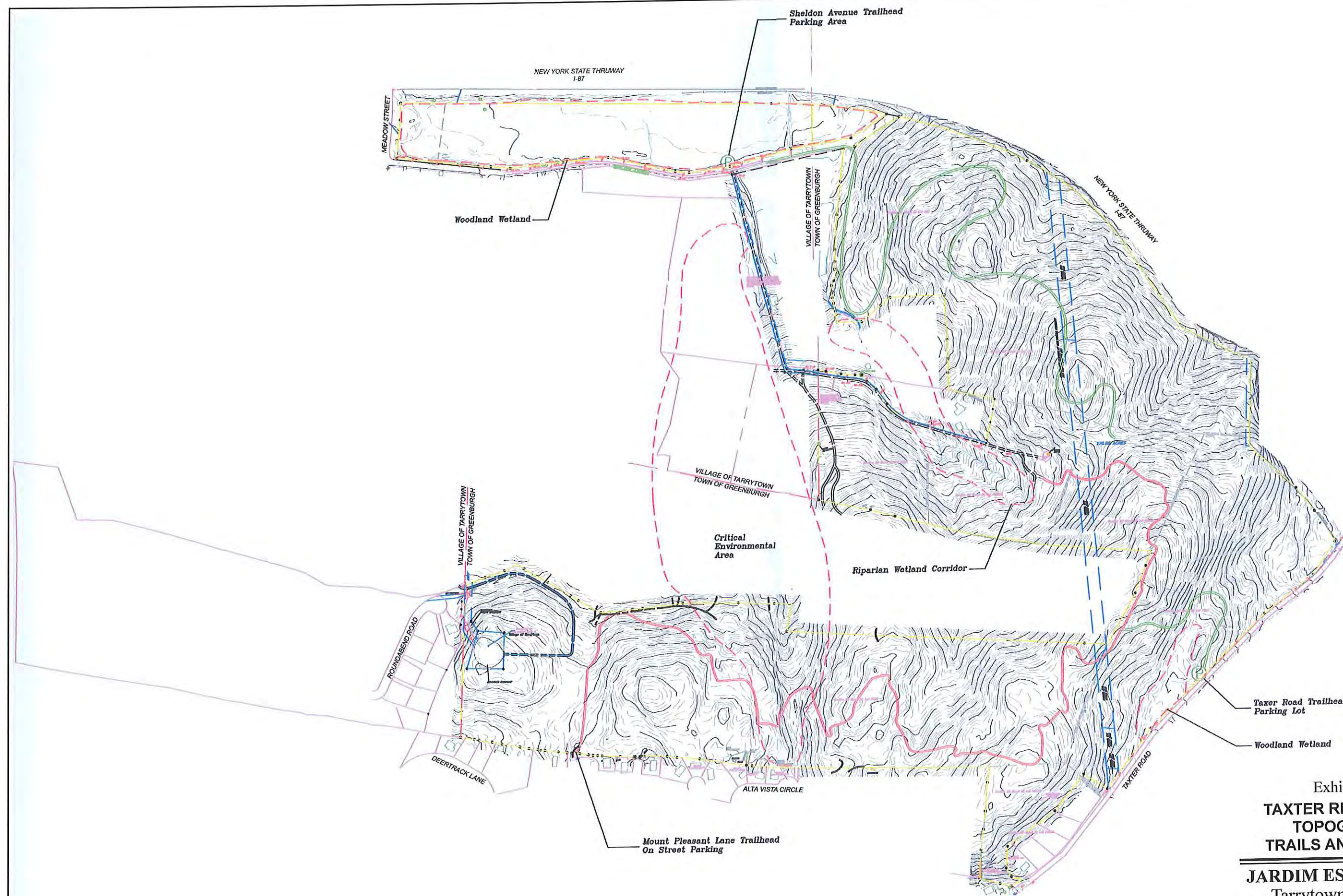


Exhibit 3-2
**TAXTER RIDGE PARK:
TOPOGRAPHY,
TRAILS AND PARKING**
JARDIM ESTATES EAST
Tarrytown, New York

VHB Saccardi & Schiff

**NYS DOT
FEE TAKING**
Map No. 1011-R-1
Parcel 1106

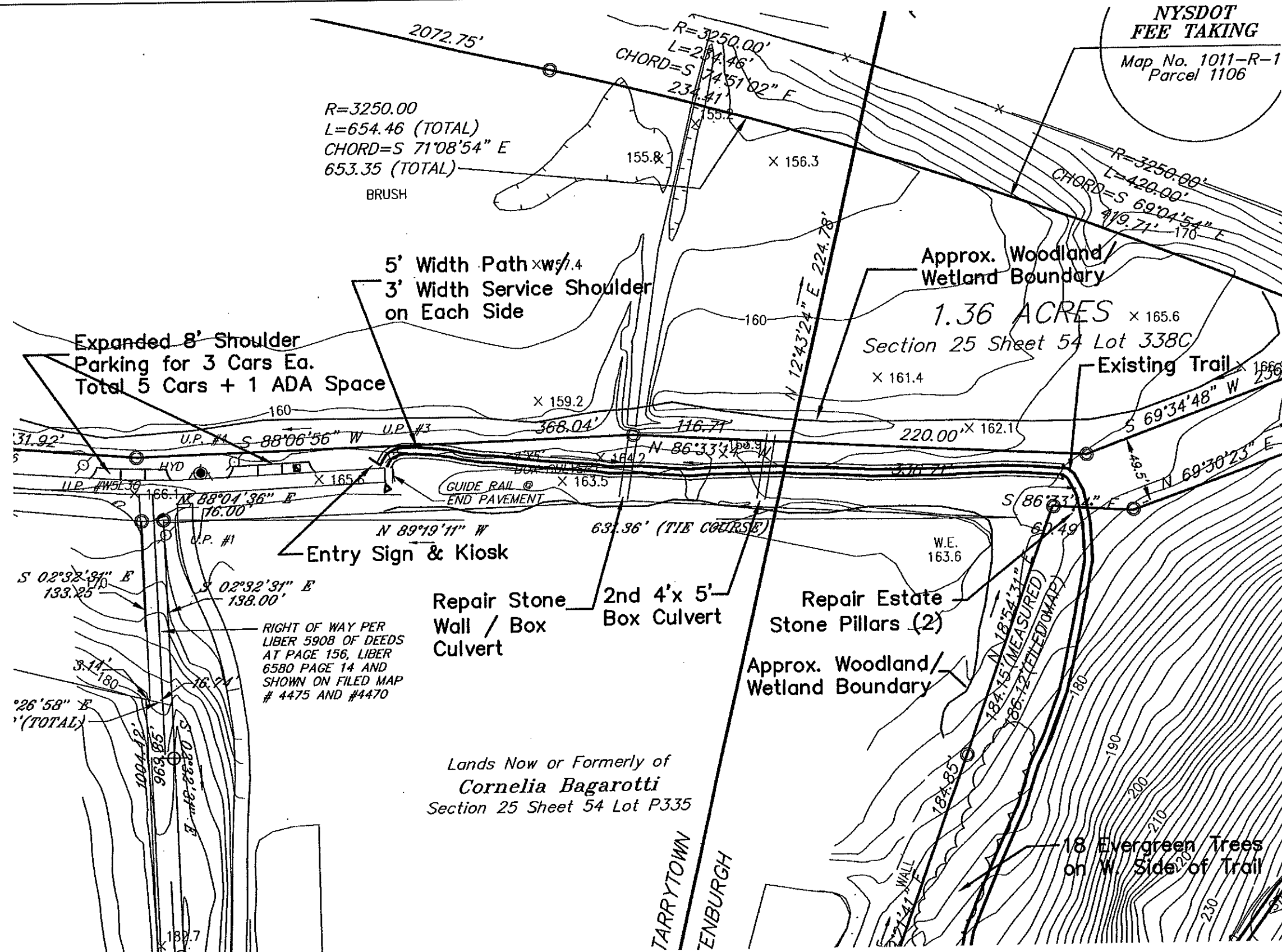
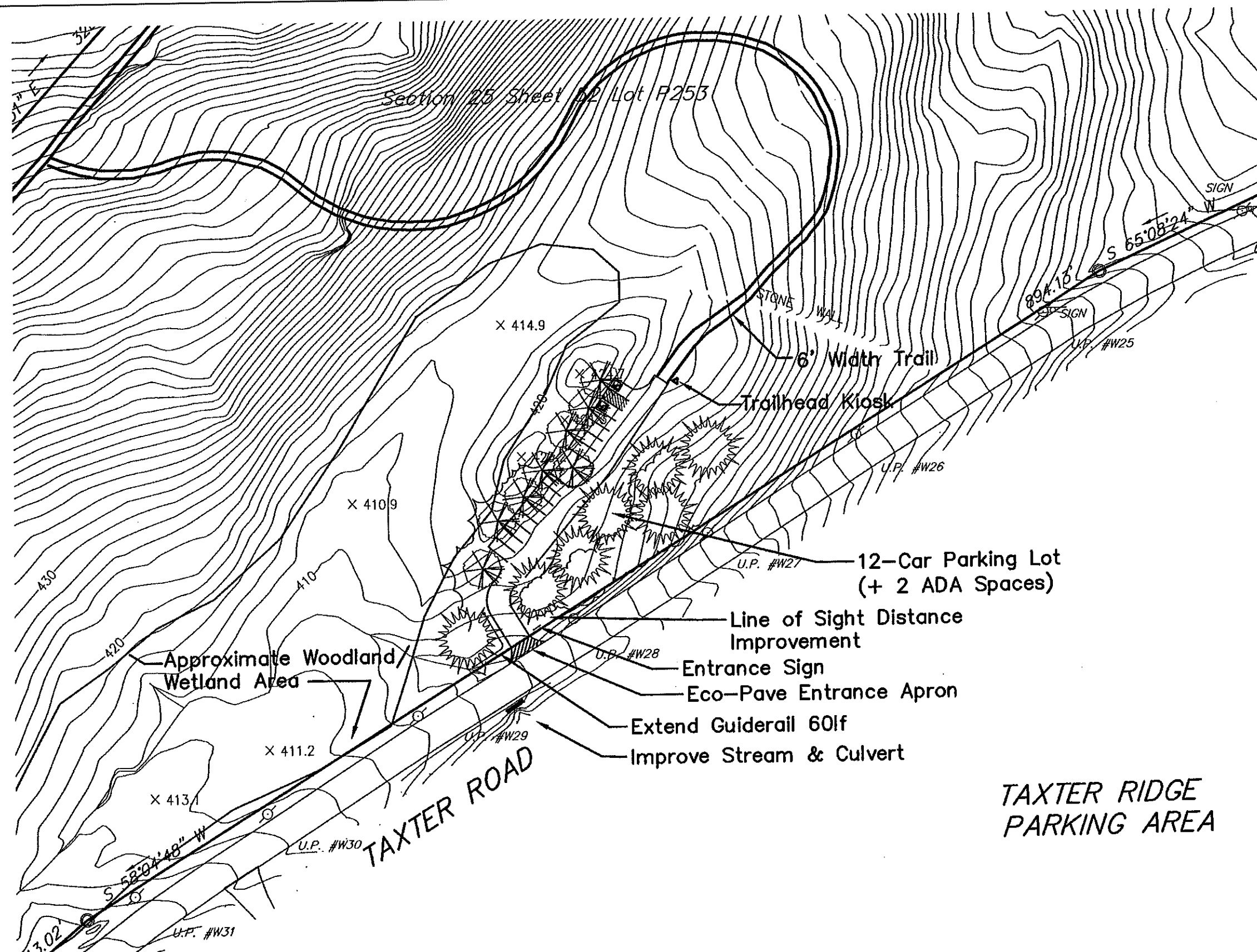


Exhibit 3-3
**TAXTER RIDGE PARK:
SHELDON AVENUE TRAILHEAD**
JARDIM ESTATES EAST
Tarrytown, New York





NOT TO SCALE



**TAXTER RIDGE
PARKING AREA**

Exhibit 3-4

TAXTER RIDGE PARKING AREA

JARDIM ESTATES EAST

Tarrytown, New York

VTIB Saccardi & Schiff

