

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Description of Proposed Action**

The proposed action is a text change to the Village Zoning Ordinance to legalize and control accessory dwelling units in single-family residential zones and regulate new conversions or new construction of accessory dwelling units in these zones. All of the single-family residential zones are included as eligible zones for accessory ADU uses. The R-80 zone which is the lowest density single-family zone is mapped around the Tarrytown Lakes area and located within the watershed Critical Environmental Area. Much of the district's land is owned by the Village. The highest density single-family zone, R-5, is mapped in a very small area in the downtown. The EF School (former Marymount) occupies a significant portion of the R-20 district. The Belvedere Estate and Westchester County Park occupy a large portion of the R-40 district in the southwest area of the Village. An Accessory Dwelling Unit (ADU) is a second, smaller dwelling unit on the property of an existing home. An ADU can be attached within the property's primary building, added to the same building or detached in a separate garage or new cottage. An ADU will be treated the same as other accessory uses requiring a building department administrative review and building permit. An existing building that is legally non-conforming with current dimensional or coverage regulations may be legally changed in use to an ADU provided that the dimensional non-conformity and the non-conforming height is not increased. Site plan approval would only be required in cases where a building addition increases building coverage, square footage or floor-area ratio to the extent where it triggers a site plan approval that would ordinarily be required, or if a building is designated as part of a historic district or as a historic landmark. Site plan approval would also be required in cases where an existing garage is converted to an ADU and the need to provide additional parking triggers a site plan review.

**Legislative Purpose**

The intent of the proposed legislation is to diversify housing while ensuring single-family residential zones maintain their character; to ease homeowners' financial burden by allowing a means of rental income, and to provide for the health, safety and welfare of the Village of Tarrytown's residents and the occupants of accessory dwelling units. The proposed legislation on ADU represents the implementation of the recommendation of the Tarrytown Connected Comprehensive Plan "allowing accessory unit strategies could enable more efficient use of existing resources and an additional source of monthly income".

**Housing Need**

Based on the Westchester County Housing Needs Assessment, Pattern for Progress (November 2019), the number of owner households in the Village of Tarrytown paying 50% or more of monthly income on mortgages or housing maintenance (Severely Cost Burdened) was 350 households or 13% while renter households paying more than 50% of monthly income toward rent (Severely Cost Burdened) was 295 households or 19.3%. The Assessment Study provided a Projection of Current Housing Need for 65 households. (Source: Decennial Census, 2000 and 2010; American Community Survey 5-year Estimates, 2017). Several Westchester County municipalities have enacted legislation allowing Accessory Dwelling Units in their codes. Based on information from Westchester County Planning, we have provided data on the following Villages' experience in producing ADUs as well as the date legislation was enacted: Briarcliff Manor - 26 (2014), Buchanan - 25 (1989), Croton on Hudson - 10 (2015), Hastings on Hudson - 23 (1997 - updated 2019), Irvington - 2 (2016), and Pleasantville - 5 (2020). These Villages have comparable housing needs to Tarrytown as profiled in the County's Housing Needs Study. It is anticipated that the Village of Tarrytown will experience similar ADU results in the range of 20 to 30 units. (Continued)

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:  Type 1  Unlisted

Identify portions of EAF completed for this Project:  Part 1  Part 2  Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Accessory Dwelling Units Infrastructure & Statement of Support, Tarrytown Housing Committee (Powerpoint Presentation at Public Hearing), 10/17/22; Tarrytown Housing Committee, ADU Summary for Village Board of Trustees, 5/2/22; ADU legislation, 11/2/22; Westchester County Housing Needs Assessment, Patterns for Progress, 11/19; Westchester County Planning GML Letter, 11/21/22; Tarrytown Connected Village Comprehensive Plan, 11/18.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Village of Tarrytown Board of Trustees as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

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\_\_\_\_\_  
\_\_\_\_\_

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Permitting Accessory Dwelling Units within Single-Family Zoning Districts

Name of Lead Agency: Village of Tarrytown Board of Trustees

Name of Responsible Officer in Lead Agency: Karen Brown

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer) Robert Galvin, AICP Village Consulting Planner

Date:

**For Further Information:**

Contact Person: Richard Slingerland, Village Administrator

Address: One Depot Plaza, Tarrytown, NY 10591

Telephone Number: 914 631-1885

E-mail: [rslingerland@tarrytownaov.com](mailto:rslingerland@tarrytownaov.com)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

*Long Form Environmental Assessment*  
*Part 3 – Continued*

**Legislation - Permitting ADUs in Single-Family Zones**

**Mitigation Measures**

To reduce any possible density impact, the proposed legislation limits ADUs to no more than two bedrooms and limits their floor area to a maximum of 1,000 sf. which cannot be greater than 50% of the primary structure. ADUs are oriented to smaller households (singles, younger, and older) and support senior residents aging in place. The legislation is designed to be a low-density tool to create more affordable housing options which do not change the overall appearance of the single-family neighborhoods. The ADU legislation provides additional design standards to allow the creation of well-controlled ADUs while maintaining the single-family character of the area. Design standards include the following: a) that there shall be no construction of a new building for an ADU in the R-10, R-7.5 and R-5 residential zones. This is due to concern of the properties' smaller lot sizes and yard dimensions; b) limit of one ADU per lot; c) the height of new detached ADU shall be the lesser of 25' or the height of the existing single-family principal building. d) no new entrances added to the street-facing facade of the main building; e) minimum six-month rental; f) owner-occupancy - owner must reside as the primary resident in either the main dwelling unit or the ADU; g) parking not required for the ADU but remains for the existing single-family residence: h) If lot is serviced by a septic system, owner must demonstrate that system is adequate to support ADU and obtain necessary County Health permits; i) ADU limited to a minimum of 300 sf and a maximum of 1,000 sf and, in no case, larger than 50% of the floor area of the lot's main house.

**GML Review**

The proposed legislation was referred to Westchester County Planning on November 8, 2022, which reviewed the revised proposed Local Law. County Planning provided a GML review dated November 21, 2022, which found the project to be responsive to *Westchester County's Housing Needs Study* and encouraged the Board of Trustees to adopt the proposed ADU regulations. The GML referral was similar to the County Planning GML review on October 21, 2022 supportive of allowing accessory dwelling units, as such units expand the range of housing types available in Westchester's communities, which is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995.

**Historic Resources**

Any change, modification or addition to land and buildings designated as part of a historic district or as a historic landmark will require site plan review by the Village Planning Board.

**Environmental Constraints**

All of the single-family residential zones in the Village are included as eligible for Accessory Dwelling Unit uses. The R-80 zone is mapped around the Tarrytown Lakes area and located within the designated watershed Critical Environmental Area defined by the DEC and designated

by Westchester County and the Village of Tarrytown. The Tarrytown zoning code provides for a Special Tarrytown Lakes Setback of 300 feet inland from the mean high-water mark along the entire circumference of the lakes. Much of the land in this district is owned by the Village, of Tarrytown.

### **Traffic/Parking**

Based upon information from the other similar municipalities with ADU legislation, there will be a limited number of ADUs, in the range of 20 to 30 ADUs spread throughout all of the Village's residential zones, there will be minimal potential impact on traffic. The current parking requirement of two spaces per unit remains for the primary structure on the property. No additional parking is required for an ADU provided that existing off-street parking is not reduced below that which is otherwise required. In cases where an existing garage is converted to an ADU and there is a need to relocate existing required parking, a site plan review by the Planning Board would be required.

### **Public School Children Impacts**

In November 2018, the Rutgers University Center for Urban Policy Research<sup>1</sup> updated residential demographic multipliers from its previous 2006 study<sup>2</sup> projecting the potential number of public school-age children for diverse types of rental units. The study uses the American Community Survey (ACS) census data and contains information on demographic multipliers, including the average number of public school-age children found in housing units of diverse types and sizes. Consistent with trends in declining birth rates, the updated demographic multipliers have resulted in the generation of fewer school children than the previous multipliers. Renters of one-bedroom units in low rise (2-4 units) generated 0.175 public school children per unit. Renters of two-bedroom units in low rise (2-4 units) generated 0.471 public school children per unit. Note that ADUs are limited in the Village to no more than two-bedrooms and a maximum size of 1,000 sf or less. Based on the anticipated range of 20-30 ADUs in the Village, the indication is that the number of school children generated would be small.

### **Noise, Odor, Light**

The proposed legislation allows the interior renovation of or addition to existing structures or the conversion of existing garages or construction of new cottages on single-family lots. The ADU structures are smaller units being limited to a maximum habitable floor area of 1,000 square feet and, in no case, shall not be larger than 50% of the habitable floor area of the primary dwelling on the lot. There will be no new construction on lots in the R-10, R-7.5 and R-5 zoning districts. Additionally, a lot cannot have more than one ADU. The typical impacts associated with the expansion of single-family residences and accessory structures are limited to noise, dust, runoff and stormwater management practices. These construction impacts are minor in nature and are limited to smaller buildings or interior renovations. Such impacts are easily controlled by standard construction techniques. This type of activity seldom creates a significant adverse

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<sup>1</sup> Alexandru Voici and David Listokin, Ph.D. *Who Lives in New Jersey Housing? The Profile of Occupants of Residential Developments in New Jersey, Updated New Jersey Demographic Multipliers*, Rutgers University Center for Urban Policy Research, November 2018.

<sup>2</sup> Robert W. Burchell, Ph.D. *Residential Demographic Multipliers, Estimates of the Occupants of New Housing*, Rutgers University Center for Urban Policy Research, June 2006.

environmental impact. Any of the non-significant impacts that result from construction activity is subject to review and control by the Building Department and Village Engineer. DEC's experience has shown that this type of action does not have a significant adverse effect on the environment (DEC SEQRA Handbook, 4th ed. 2020, 19). The Planning Board will still have site plan review authority in cases where a building addition or new accessory structure increases building coverage, square footage or floor-area ratio to the extent where it triggers a site plan review that would ordinarily be required.

### **Consistency with Community Plans**

The proposed legislation on Accessory Dwelling Units represents an implementation of the recommendation of the *Village of Tarrytown Comprehensive Plan Tarrytown Connected* (adopted November 2018) relative to *Policy 10 Ensure housing stock supports a diverse & multi-generational community* “*In areas with large lots and single-family homes, permitting the division into two- or three-family homes, introducing in-law apartments, or allowing accessory units are strategies that could enable more efficient use of existing resources. Although accessory units may increase the Village's regulatory burden, where appropriate, they represent an additional source of monthly income for a homeowner as well as a potentially affordable rental arrangement.*” (70- 71).

### **Consistency with Community Character**

One of the purposes of the proposed legislation is to diversify housing while ensuring single-family residential zones maintain their character. The legislation provides additional design standards to allow the creation of well-controlled ADUs while maintaining the single-family character of the area. These standards include a restriction on construction of new detached buildings for an ADU in the R-10, R-7.5 and R-5 residential zones. The properties in these zones have smaller lot sizes and setback dimensions. The legislation provides a limit of one ADU per lot. The height of a new detached ADU shall be the lesser of 25' or the height of the existing single-family principal building on the property. There is a prohibition on adding a new entrance to the street-facing facade of the main building in order to maintain the single-family character of the residence. A minimum six-month rental is required, and the owner must reside as the primary resident in either the main dwelling unit or the ADU. ADUs are limited to a minimum of 300 sf and a maximum of 1,000 sf and, in no case, larger than 50% of the floor area of the lot's main house.

**SEORA Determination of Significance** – Based on the Village Board of Trustees' review of the LEAF, an analysis of Part 2, a review of the *Proposed Legislation on Permitting ADUs in Single-Family Zones*, a review of Tarrytown Housing Committee's provided information on Accessory Dwelling Units, agency review by Westchester County Planning, *the Village of Tarrytown Comprehensive Plan Tarrytown Connected* (adopted November 2018), and the *Westchester County Housing Needs Assessment* (November 2019), the Village of Tarrytown Board of Trustees has determined that the proposed zoning text for Accessory Dwelling Units is not expected to result in any significant adverse environmental impacts that would rise to the level of significance required for a Positive Declaration.