

**SCARBOROUGH ROAD CORRIDOR R60A/R80A REZONING  
 VILLAGE OF BRIARCLIFF MANOR, NEW YORK**

**Full ENVIRONMENTAL ASSESSMENT FORM**

December 14, 2009

**Scarborough Road Corridor R60A/R80A Rezoning  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK**

**FULL ENVIRONMENTAL ASSESSMENT FORM PARTS**

**Lead Agency**

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**Appendix B:** A Local Law to Amend Chapter 220-16 of the Code of the Village of Briarcliff Manor Relating to Nonconforming Buildings, Lots, and Uses

**Appendix C:** Responses to Comments Raised During the Public Hearing Process

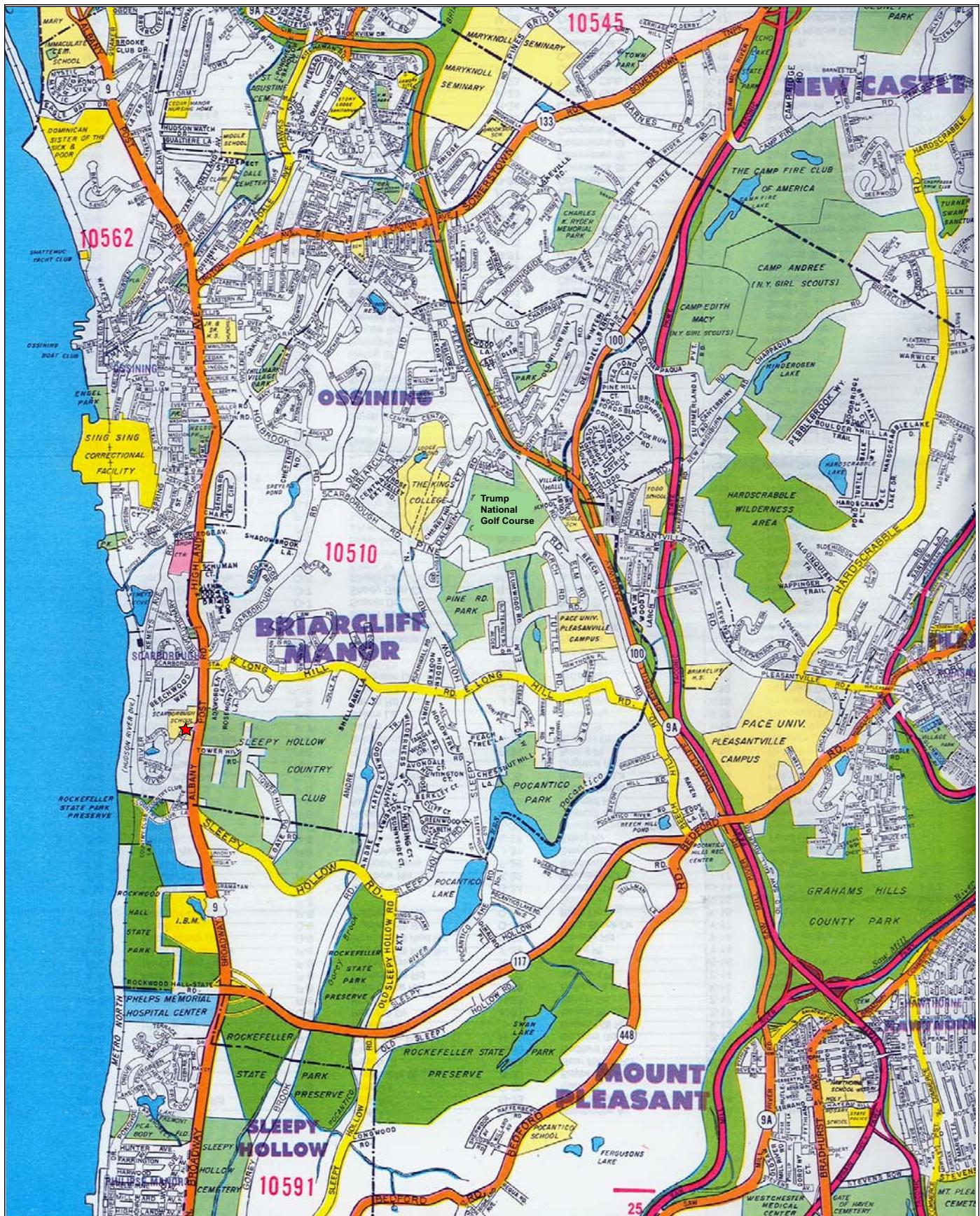
## **1.0 INTRODUCTION: LOCATION, PURPOSE AND DESCRIPTION OF PROPOSED ACTION**

### **A. Introduction**

Pursuant to the New York State Environmental Quality Review Act (SEQR), the proposed action discussed in this Full Environmental Assessment Form (EAF) is the adoption of amendments to the Village of Briarcliff Manor Zoning Code (VC §220) and the Official Village Map. The Village of Briarcliff Manor Board of Trustees (BOT) is proposing: 1) Amendments to the Village Zoning Code (§220-3) adding a new R80A (2-acre) single-family residential zoning district and district regulations; 2) Amendments to the Village Zoning Map to remap approximately 163 acres within the Scarborough Road Corridor from R40A (1-acre) to R60A (1.5-acres) and approximately 318 acres within the Corridor from R60A to the new R80A District (2-acres); and 3) Amendments to Village of Briarcliff Manor Zoning Code §220-16, Nonconforming Buildings and Uses.

### **B. Project Location**

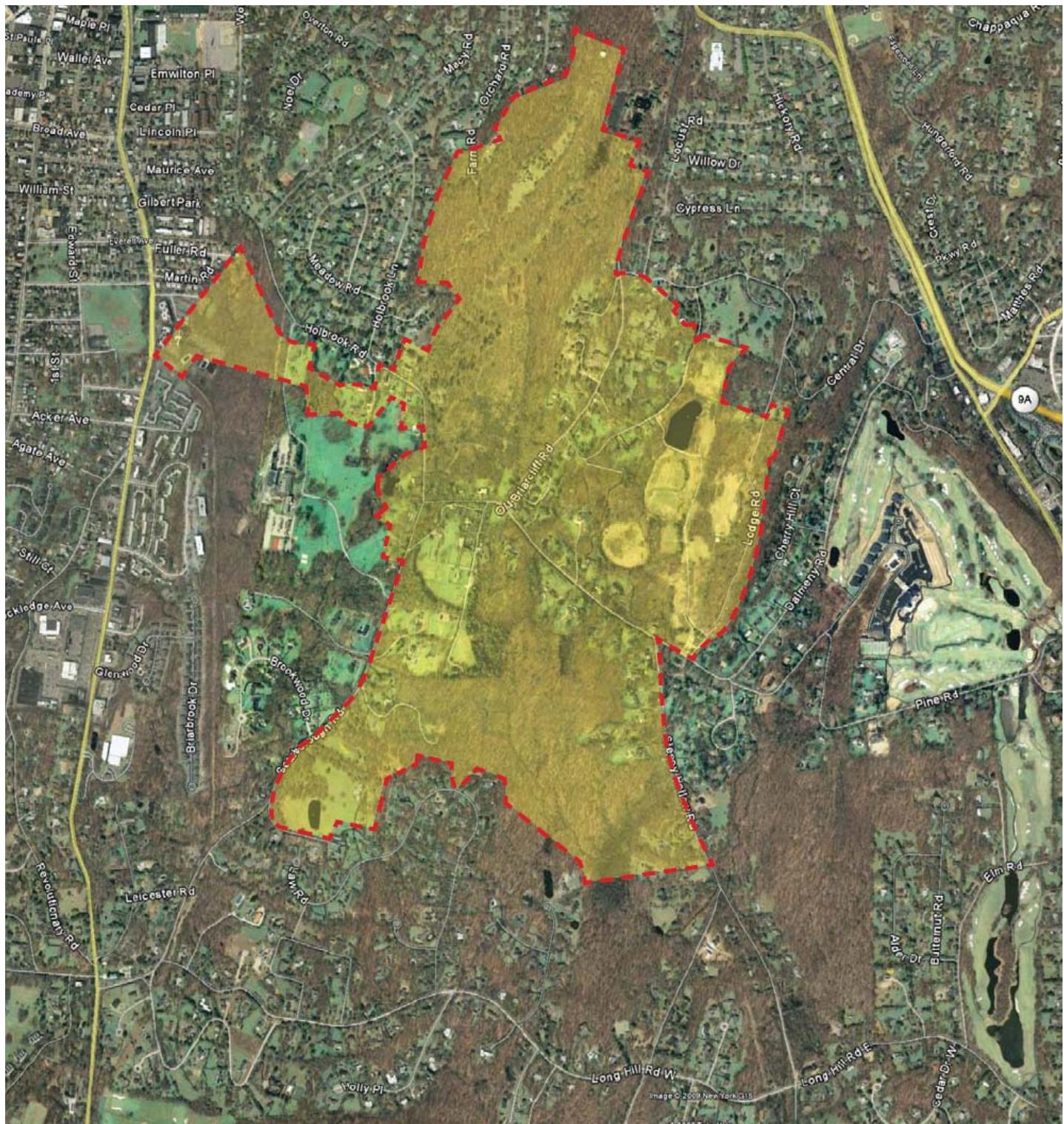
Briarcliff Manor is located in the west central portion of Westchester County. Incorporated in 1902, the 5.75-square-mile Village is situated largely within the Town of Ossining, with its eastern portion in the Town of Mount Pleasant. Surrounding municipalities are the Town of Mt. Pleasant to the south, Mt. Pleasant and the Village of Pleasantville to the east, and the Town of Ossining to the north (see Figure 1: Regional Location Map). The proposed rezoning area is an approximately 481-acre area currently zoned a mix of R40A (163-acres) and R60A (318-acres) located within the Scarborough Road Corridor (see Figure 2: Proposed Rezoning Area). The rezoning area includes the area north and south of Scarborough Road, including portions of Holbrook, Old Briarcliff, Lodge and Sleepy Hollow Roads, Becker Lane, and Central Drive.



SCARBOROUGH ROAD CORRIDOR REZONING  
BRIARCLIFF MANOR, NEW YORK

FIGURE 1: REGIONAL LOCATION MAP

SOURCE: HAGSTROM MAP COMPANY, UPPER WESTCHESTER COUNTY



Key

 Rezoning Area

SCARBOROUGH ROAD CORRIDOR REZONING  
BRIARCLIFF MANOR, NEW YORK

FIGURE 2: PROPOSED REZONING AREA

SOURCE: NEW YORK STATE GIS

ENVIRONMENTAL ASSESSMENT FORM

0 1500 ft

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## C. Project History

The proposed action is consistent with recommendations made in the 2007 Village of Briarcliff Manor Comprehensive Plan and the 2001 Scarborough Road Corridor Study.

### *Scarborough Road Corridor Study*

Concerns over the Scarborough Road Corridor area led the Village of Briarcliff Manor BOT to commission the Scarborough Road Corridor Study in the fall of 2000; the study was completed in July 2001. Figure 3: Scarborough Road Corridor presents the full extent of the corridor study area. The purpose of the study was to explore the following question:

*How can the Village manage future growth in the corridor area and promote development that would maintain its quiet country character and visual charm?*

To answer this question, the study created a picture of future development along the corridor under current conditions (i.e. Briarcliff's existing zoning ordinance, environmental and development regulations) and explored a range of options for steering future development in a direction that is in line with the community vision for the corridor.

The corridor study analyzed several possible upzoning scenarios for the corridor and concluded that the rezoning of the approximately 481-acre proposed rezoning area to a new R80 zone from its current mix of R40A and R60A was the preferred rezoning scenario. The study states that the new R80 zone is recommended because of its compatibility with existing zoning in the area and that it would create fewer non-conforming lots than less dense alternatives. The study found that the proposed R80 rezoning would:

- Reduce the number of potential units in the entire Scarborough Corridor by a range of 27-31 percent or 72 to 100 units;
- Reduce anticipated traffic impacts by 20-25 percent;
- Avoid the need for major structural improvements to increase capacity at intersections;
- Result in approximately 30 percent fewer households, people, and schoolchildren being added to the area;
- Foster protection of existing neighborhood character by establishing a new minimum lot size close to the R60 zone;
- Result in fewer impacts on environmentally sensitive lands, such as steep slopes and wetlands;
- Allow developers more flexibility in site planning;
- Result in less impervious surfaces because of fewer houses; and
- Have the potential to avoid the need for upgrades to the Village's water and sewer systems.



Key

 Scarborough Road Corridor Study Area

SCARBOROUGH ROAD CORRIDOR REZONING  
 BRIARCLIFF MANOR, NEW YORK

ENVIRONMENTAL ASSESSMENT FORM

FIGURE 3: SCARBOROUGH ROAD CORRIDOR

SOURCE: NEW YORK STATE GIS



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In addition, the study noted that the Village should adopt a grandfather clause in conjunction with the rezoning measures that "grandfathers" all existing smaller lots that may become nonconforming or that are already nonconforming. The study states that this grandfather clause would allow existing lots to utilize current zoning regulations for replacement or expansion of one house on a lot and it would also address a significant downside to the upzoning action.

### *Village of Briarcliff Manor Comprehensive Plan*

The Village of Briarcliff Manor adopted its new Comprehensive Plan in November 2007 after an intensive two-year planning process. The plan incorporates ideas and recommendations from Village officials, the Comprehensive Plan Committee (assembled by the BOT), and Village residents. The BOT conducted five neighborhood meetings targeted at various Village neighborhoods in order to ensure that the plan represents the needs and interests of the entire Village. In addition, residents were invited to a planning workshop, a committee public hearing, and three public information meetings to review and provide feedback on the draft plan. Prior to plan adoption, the BOT held four public hearings.

The vision for the future of Briarcliff Manor expressed through the Comprehensive Plan is the:

- Preservation of open space throughout the Village.
- Management of future growth along the Scarborough Road Corridor and promotion of development that would maintain the corridor's existing character.
- Strengthening of the Central Business District (CBD) including linking both sides of the CBD separated by Route 9A and encouraging appropriate redevelopment.

The desire to manage growth in the Scarborough Road Corridor is not only expressed through the Comprehensive Plan vision, but also a specific recommendation in the plan. Objective #1 under the housing recommendations specifically recommends up-zoning the Scarborough area to a minimum 2 acre (R80) lot size. Objective #1 includes the following action items for the Scarborough area:

- A. Allow only single family homes on up-zoned lots in the Scarborough Road Corridor, while grandfathering existing units.
- B. Consider allowing within the Corridor a range of lot sizes within a subdivision, provided that the two acre density threshold is not exceeded for the overall project.
- C. Consider mandating Conservation Subdivisions for all subdivisions over a specific size and require a minimum percentage of open space preservation on the site, in addition to the required recreation set aside.

The implementation strategies section of the plan identifies the upzoning of the Scarborough Road Corridor as a short-term action item, meaning the BOT should consider implementing the recommendation within five years of plan adoption. In addition, in conformance with the plan, the rezoning decreases the number of homes in the Corridor which will help to offset any potential increase in residential development as a result of any mixed-use rezoning of the Central Business District as recommended in the Comprehensive Plan.

### ***Proposed Rezoning History***

In the spring of 2009 the BOT undertook a series of public/neighborhood workshops to present a proposed R80A rezoning scheme for the 481-acre rezoning area. Under this proposed scheme the entire rezoning area would have been rezoned to the new R80A District (Proposed R80A Rezoning). A draft Environmental Assessment Form (EAF) was prepared and a public hearing was held on the draft local laws amending the Zoning Code and Official Zoning Map.

During the public hearing process, concerns were raised that the proposed R80A Rezoning might lead to inequities and infringement of property interests to landowners within the R40A portion of the rezoning area. Under the R80A Rezoning scenario, the required minimum lot size within the R40A portion of the rezoning area would have increased by 100% (from 40,000 SF to 80,000 SF), while the required minimum lot size within the R60A portion would have only increased by 33% (from 60,000 SF to 80,000 SF).

In order to address these concerns the BOT had its technical consultants, BFJ Planning, prepare an analysis of an alternative to the R80A Rezoning that proposes to rezone the R40A portion of the proposed rezoning area to R60A rather than R80A; under this alternative the R60A portion of the rezoning area would still be rezoned to the new R80A District (R60A/R80A Rezoning). After consideration of public comments and technical analysis, the BOT is now moving forward with the proposed R60A/R80A Rezoning for the 481-acre portion of the Scarborough Road Corridor.

### **D. Description of the Project**

The BOT through the adoption of the proposed action seeks to support the recommendations for the Scarborough Road Corridor expressed in both the Scarborough Road Corridor Study and the Comprehensive Plan. The proposed rezoning is compatible with both the Comprehensive Plan and the Scarborough Road Corridor Study. Specifically, the BOT is proposing: 1) Amendments to the Village Zoning Code (§220-3) adding a new R80A (2-acre) single-family residential zoning district and district regulations; 2) Amendments to the Village Zoning Map to remap approximately 163 acres within the Scarborough Road Corridor from R40A (1-acre) to R60A (1.5-acres) and approximately

318 acres within the Corridor from R60A to the new R80A District (2-acres); and 3) Amendments to Village of Briarcliff Manor Zoning Code §220-16, Nonconforming Buildings and Uses.

#### ***Zoning Code Amendments - Proposed R80A Zone***

The BOT is proposing to create a new R80A single-family residential zoning district; the Zoning Code (§ 220) will be amended to include this new zone. The minimum lot size within the new R80A District will be 80,000 square feet (2-acre) and all other district regulations will be the same as those of the R60A District. By increasing only the minimum lot size, but keeping all other district regulations the same as the R60A District, the BOT seeks to minimize future non-conformities within the rezoning area. The proposed district regulations for the new R80A District are shown in redline on the table on the next page. In addition, the text of the proposed local law is included in Attachment A.

#### ***Zoning Map Amendments – Proposed R60A/R80A Rezoning***

In addition to the creation of the new R80A District, the BOT is also proposing to remap an approximately 481-acre portion of the Scarborough Road Corridor that is currently zoned a mix of R40A and R60A. Approximately 163-acres of the area will be rezoned from R40A to R60A and approximately 318-acres will be rezoned from R60A to R80A. Figure 4 presents the existing Zoning Map and Figure 5 presents the proposed Zoning Map. In addition, the text of the proposed local law is included in Attachment A.

Based on the analysis contained within the Scarborough Road Corridor Study<sup>1</sup> and supplemented by review of Village tax maps, if the area is not rezoned and remains a mix of R40A and R60A, approximately 194-235 new single-family housing units could be built in the area (approximately 94-114 units within the R40A portion and approximately 100-121 units within the R60A portion). This projected development range reflects a 20 to 34 percent reduction from the total maximum build-out in the area under the existing zoning (294 units) to account for roads, infrastructure and environmental constraints, taking into account that this deduction may vary from parcel to parcel.

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<sup>1</sup> Since the 2001 Corridor Study only one subdivision has been approved in the rezoning area resulting in the creation of two additional lots (Village of Briarcliff Manor Building Department, 2009). In addition, the Planning Board approved the Briarcliff Manor Investors LLC and Integrated Development Group LLC Continuing Care Retirement Community (CCRC) in November 2008, which is located within the rezoning area. The Scarborough Road Corridor Study included in its analysis traffic data associated with the "Garlands at Briarcliff Manor Draft Environmental Impact Statement;" this DEIS was also used as the basis for the Planning Board's SEQR approval of the CCRC in 2008. Further no major roadway improvements or other infrastructure improvements have taken place within the Scarborough Road Corridor (Village of Briarcliff Manor Building Department, 2009). The basic findings of the study and the potential reduction in impacts quantified within the rezoning area still are applicable and sufficient to support the findings of this EAF.

**Village of Briarcliff Manor**  
**Schedule Limiting the Use of Buildings and Land and the**  
**Location, Arrangement and Size of Buildings**  
**[Amended 5-20-1999 by L.L. No. 3-1999; 9-2-2003 by L.L. No. 6-2003; 8-16-2007 by L.L. No. 7-2007; X-X-2009 by L.L. X-2009]**

1	4	5	6	7	8	9	10	11	8A	9A	10A	10B	12	13	14	15	16	17	18	19	20	21	22	23	24			
<b>Lot Limitations</b>																												
<b>Key</b>	<b>Minimum Size of Lot</b>		<b>Maximum Percent of Lot to be Occupied by Buildings</b>		<b>Minimum Yard Dimensions in Feet From Lines to Principal Building<sup>1</sup></b>												<b>Building Limitations</b>											
					Lots with Buildings with Gross Floor Area Less Than or Equal to 3,500 Square Feet				Lots with Buildings with Gross Floor Area Greater Than 3,500 Square Feet				<b>Minimum Distance in Feet From Accessory Building To<sup>2</sup></b>				<b>Maximum Height</b>				<b>Maximum Gross Floor Area<sup>3,4</sup></b>							
					Front Yard	One Side Yard	Two Side Yards Combined	Rear Yard	Front Yard	One Side Yard	Two Side Yards Combined	Rear Yard	Principal Building if Not Connected With It	Street Line	Side Lot Line	Rear Lot Line	In Stories	In Feet	For Sloping Roof	For Flat Roof					<b>Minimum Average Livable Floor Area per Dwelling Unit</b>			
	Area in Square Feet	Lot Width in Feet at Minimum Front Yard Setback																										
<b>R80A</b>	<b>80,000</b>	<b>175</b>	--	--	<b>40</b>	<b>25</b>	<b>55</b>	<b>40</b>	<b>65</b>	<b>40</b>	<b>80</b>	<b>60</b>	<b>12</b>	<b>40</b>	<b>25</b>	<b>14</b>	<b>2 1/2</b>	<b>30</b>	<b>15</b>	<b>12</b>						—		
R60A	60,000	175	--	--	40	25	55	40	65	40	80	60	12	40	25	12	2 1/2	30	15	12						—		
R40A	40,000	150	--	--	40	22	50	35	55	30	60	45	10	40	15	10	2 1/2	30	15	12						—		
R40B	40,000	150	--	--	40	22	50	35	55	30	60	45	10	40	15	10	2 1/2	30	15	12						—		
R30A	30,000	135	--	--	40	20	45	35	50	25	55	40	10	40	13	9	2 1/2	30	15	12						—		
R20A	20,000	120	--	--	40	18	40	30	45	20	45	35	10	40	12	8	2 1/2	30	15	12						—		
R20B	20,000	120	--	--	40	18	40	30	45	20	45	35	10	40	12	8	2 1/2	30	15	12						—		
R12B	12,000	100	--	--	40	16	35	30	40	18	39	32	10	40	11	6	2 1/2	26	15	12						—		
R10B	10,000	75	--	--	40	12	25	30	40	14	30	32	10	40	5	6	2 1/2	26	15	12						—		
RT4B	10,890 <sup>5</sup>	100	--	--	200	50	100	100	200	50	100	100	35	50	10	10	2 1/2	35	15	12						800		
For multifamily residence (5,000 square feet per dwelling unit)																												
R30M	5,000	150	15	5	40	30	60	60					20	40	10	10	2 1/2	35	15	12	—	—	—	750				
For single-family residence (12,000 square feet per dwelling unit)																												
R30M	12,000	100	--	--	40	16	35	30					10	40	11	6	2 1/2	26	15	12	--	--	--	--	--			

See § 220-12, Required off-street parking and loading

**NOTES:**

<sup>1</sup> A. Existing homes built at or within previously allowed minimum setbacks: A principal residence which is existing with a gross floor area of less than or equal to 3,500 square feet and complies with zoning on January 1, 2007, will be allowed an addition of up to 500 square feet along its current building line without a variance from the Zoning Board of Appeals even if that addition will raise the lot's gross floor area to greater than 3,500 square feet and will cause the residence to violate the front, side, or rear yard requirement applicable to lots with gross floor area greater than 3,500 square feet, but this relief can be applied to a residence only once, and then only to one of the front, side, or rear yard requirements, the residence must comply with other yard requirements applicable to the lot, and the residence and other buildings on the lot must comply with the maximum gross floor area limitation applicable to the lot. Any further addition must comply with all otherwise applicable requirements or a variance must be granted by the Zoning Board of Appeals.

<sup>2</sup> B. Sloped Properties: For properties with a measured slope of fifteen 15% or greater as measured across the building footprint, only 50% of the basement area shall be included in the gross floor area calculation for determining the increased setback for the yard setback on the uphill side. In the case of property sloping from multiple property lines, only one uphill setback may be calculated with only 50% of the basement area included in the gross floor area. All other setbacks shall be calculated with full basement area included in the Gross Floor Area.

<sup>3</sup> <sup>2</sup> Reduced minimum distances set forth in Columns 13, 14, and 15 shall apply only to accessory buildings with floor areas less than the amounts set forth below. In all other areas, the distances shall be measured as if the accessory building were a principal building:

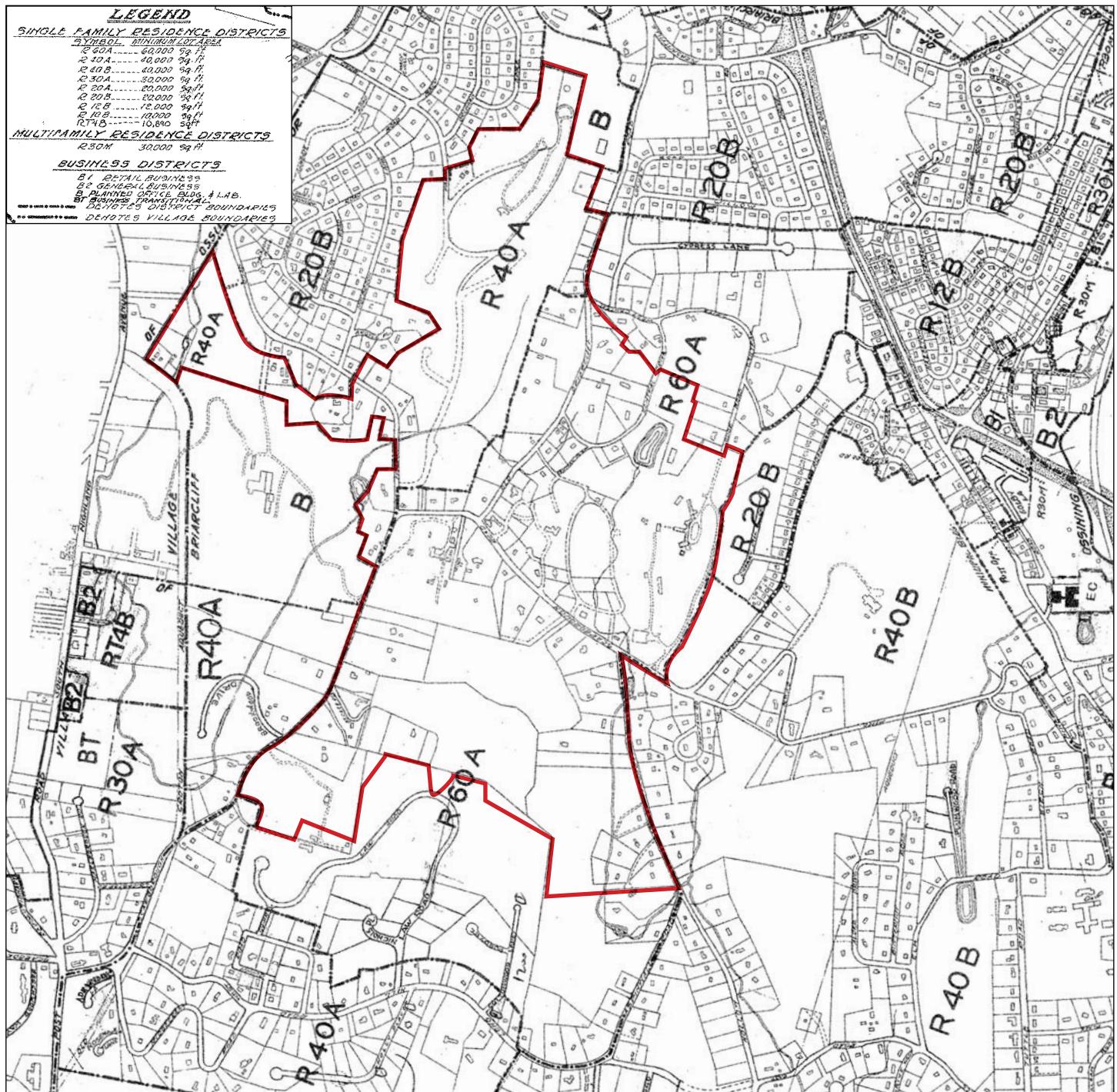
- A. Less than or equal to 300 square feet within R10A and R12B Zoning Districts.
- B. Less than or equal to 150 square feet within all other zoning districts.

<sup>3</sup> The maximum gross floor area for single-family residential construction and uses shall be calculated as follows:

- A. For lots less than 20,000 square feet in area: 3,000 square feet plus 10% of the lot area in excess of 10,000 square feet.
- B. For lots greater than 20,000 square feet but not greater than 65,000 square feet in area: 4,000 square feet plus 7% of the lot area in excess of 20,000 square feet.
- C. For lots greater than 65,000 square feet in area: 7,150 square feet plus 8% of the lot area in excess of 65,000 square feet.

<sup>4</sup> Site plan approval shall be required for any single-family residential construction and uses where the total gross floor area of all buildings exceeds 10,000 square feet.

<sup>5</sup> May be reduced to 7,260 if bonus applied.



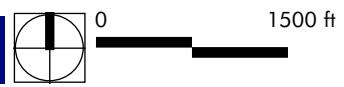
**Key**

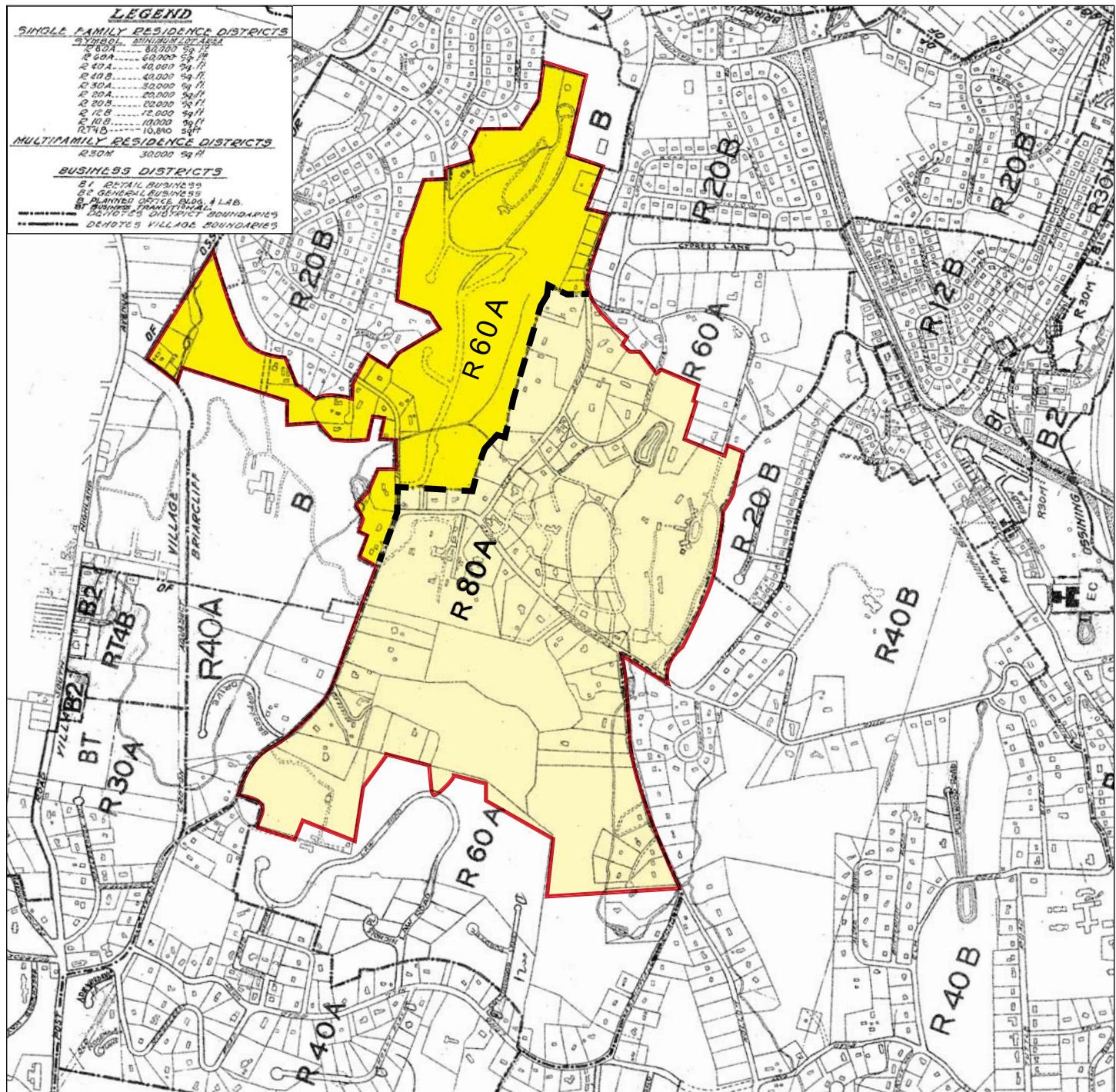
- Rezoning Area
- Zoning District Boundary

SCARBOROUGH ROAD CORRIDOR REZONING  
BRIARCLIFF MANOR, NEW YORK

FIGURE 4: EXISTING ZONING MAP

SOURCE: VILLAGE OF BRIARCLIFF MANOR





**Key**

- Red Box: Proposed Rezoning Area
- Yellow: Proposed R60A Zone
- Light Yellow: Proposed R80A Zone

SCARBOROUGH ROAD CORRIDOR REZONING  
BRIARCLIFF MANOR, NEW YORK

FIGURE 5: PROPOSED ZONING MAP

SOURCE: VILLAGE OF BRIARCLIFF MANOR

However, if the area is rezoned to a mix of R60A and R80A approximately 138-167 new homes could be built in the area (approximately 61-74 units within the R40A portion and approximately 77-93 units within the R60A portion). Again, this projected development range reflects a 20 to 34 percent reduction from the total maximum build-out under the proposed zoning (209 units) to account for roads, infrastructure and environmental constraints, taking into account that this deduction may vary from parcel to parcel. The rezoning would result in a reduction in future build-out potential in the rezoning area of approximately 29% or approximately 56-68 fewer potential single-family housing units in the area than would be allowed under existing zoning. On a proportionate basis, trip generation in the AM and PM peak hours would be reduced by 29% under the proposed action as compared to build-out under existing conditions.

Currently, out of the 111 lots contained within the Rezoning Area, approximately 36 are considered existing non-conforming lots (32%) – approximately 4 within the R40A District and approximately 32 within the R60A District (see Figure 6: Nonconforming Lots under Existing Zoning). These lots are currently nonconforming as they were most likely created prior to the adoption of zoning by the Village in 1953. As a result of the proposed rezoning, approximately 25 additional lots (23% of the lots in the area) would become non-conforming – approximately 5 within the existing R40A District and approximately 20 within the existing R60A District. In total, 51% of the lots in the Rezoning area would be considered nonconforming (36 existing nonconforming lots and 25 future nonconforming lots)<sup>2</sup>. The lots that will become nonconforming in the future if the rezoning is adopted are shown on Figure 7. In addition, Figure 8 presents both the existing nonconforming lots (shown in orange) and the future nonconforming lots (shown in purple) within the proposed rezoning area.

Table 1 below presents a general comparison of the impact on housing size, number of future non-conforming lots, future build-out potential, and potential trip generation based on potential future build-out under existing conditions and the proposed action.

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<sup>2</sup> It is important to note that while 51% of the lots in the area will be considered nonconforming, these lots only account for approximately 21% of the land area within the Rezoning area because many of the parcels in the area are oversized and un/underdeveloped.

**Table 1: Zoning Comparison of Existing Conditions versus Proposed Action**

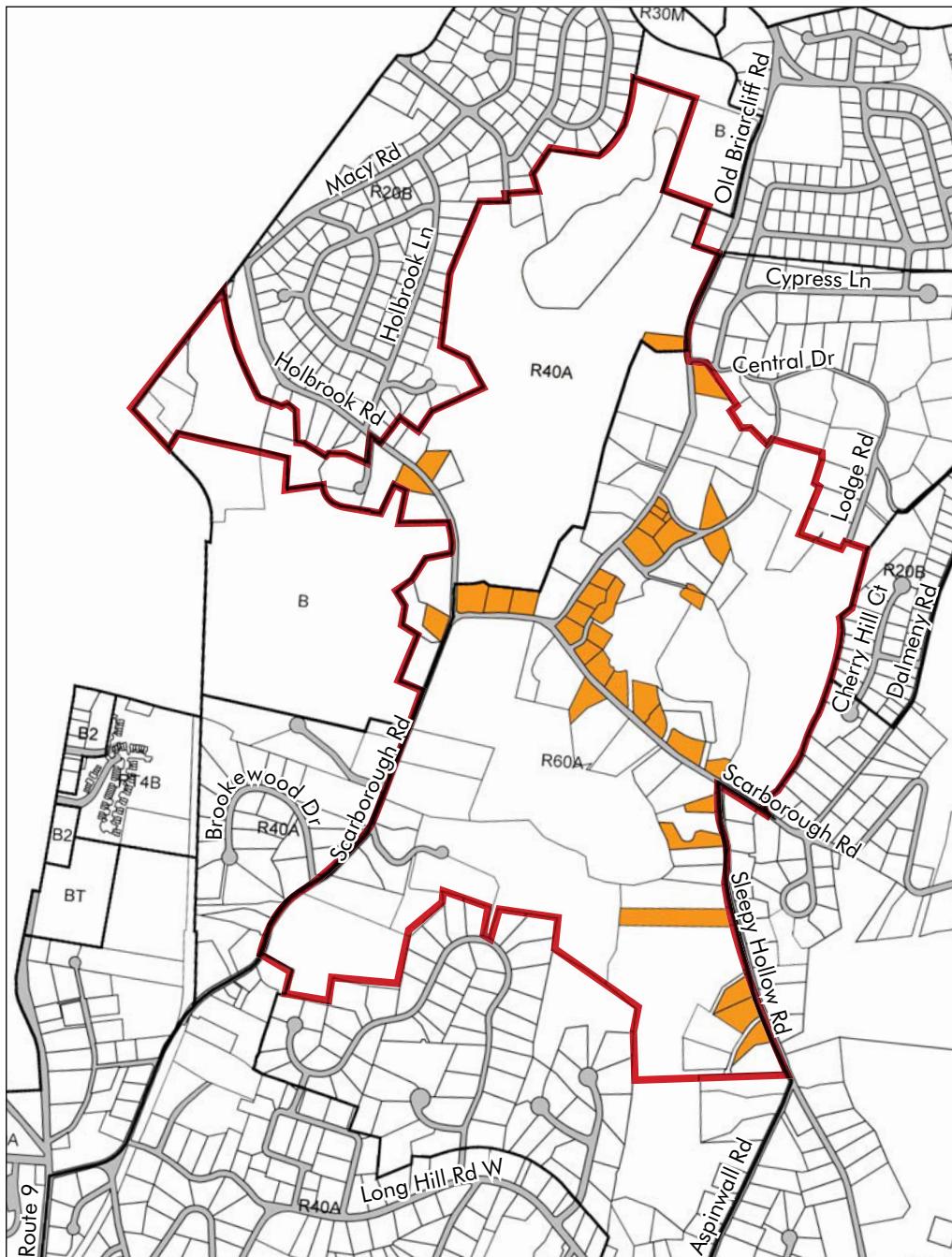
	Existing Zoning			Proposed Rezoning		
	R40A	R60A	Total	R60A	R80A	Total
<b>Total Acreage</b>	163 acres	318 acres	<b>418 acres</b>	163 acres	318 acres	<b>418 acres</b>
<b>Minimum Lot Size</b>	40,000 SF	60,000 SF	<b>N/A</b>	60,000SF	80,000 SF	<b>N/A</b>
<b>Maximum GFA of Single-Family House</b>	5,400 SF	6,800 SF	<b>N/A</b>	6,800 SF	8,350 SF	<b>N/A</b>
<b>Future Non-conforming Lots under Rezoning Alternatives*</b>	0	0	<b>0</b>	5	21	<b>25</b>
<b>Future Build-out Potential (# of units)+</b>	94-114 DUs	100-121 DUs	<b>194-235 DUs</b>	61-74 DUs	77-93 DUs	<b>138-167 DUs</b>
<b>Trip Generation~</b>						
<b>AM Peak</b>	71-86	75-91	<b>146-177</b>	46-56	58-70	<b>104-126</b>
<b>PM Peak</b>	95-115	101-122	<b>196-237</b>	62-75	78-94	<b>140-169</b>

Notes:

\*See Figure 6: Non-Conforming Lots Under Existing Zoning and Figure 7: Non-Conforming Lots Under Proposed Zoning.

+ The projected development range reflects a 20 to 34 percent reduction from the total maximum build-out to account for future roads, infrastructure and environmental constraints, taking into account that this deduction may vary from parcel to parcel.

~ ITE Trip Generation Handbook 7<sup>th</sup> Edition.



Key

- Rezoning Area
- Non-Conforming Lots Under Existing Zoning
- Zoning District Boundary

SCARBOROUGH ROAD CORRIDOR REZONING  
BRIARCLIFF MANOR, NEW YORK

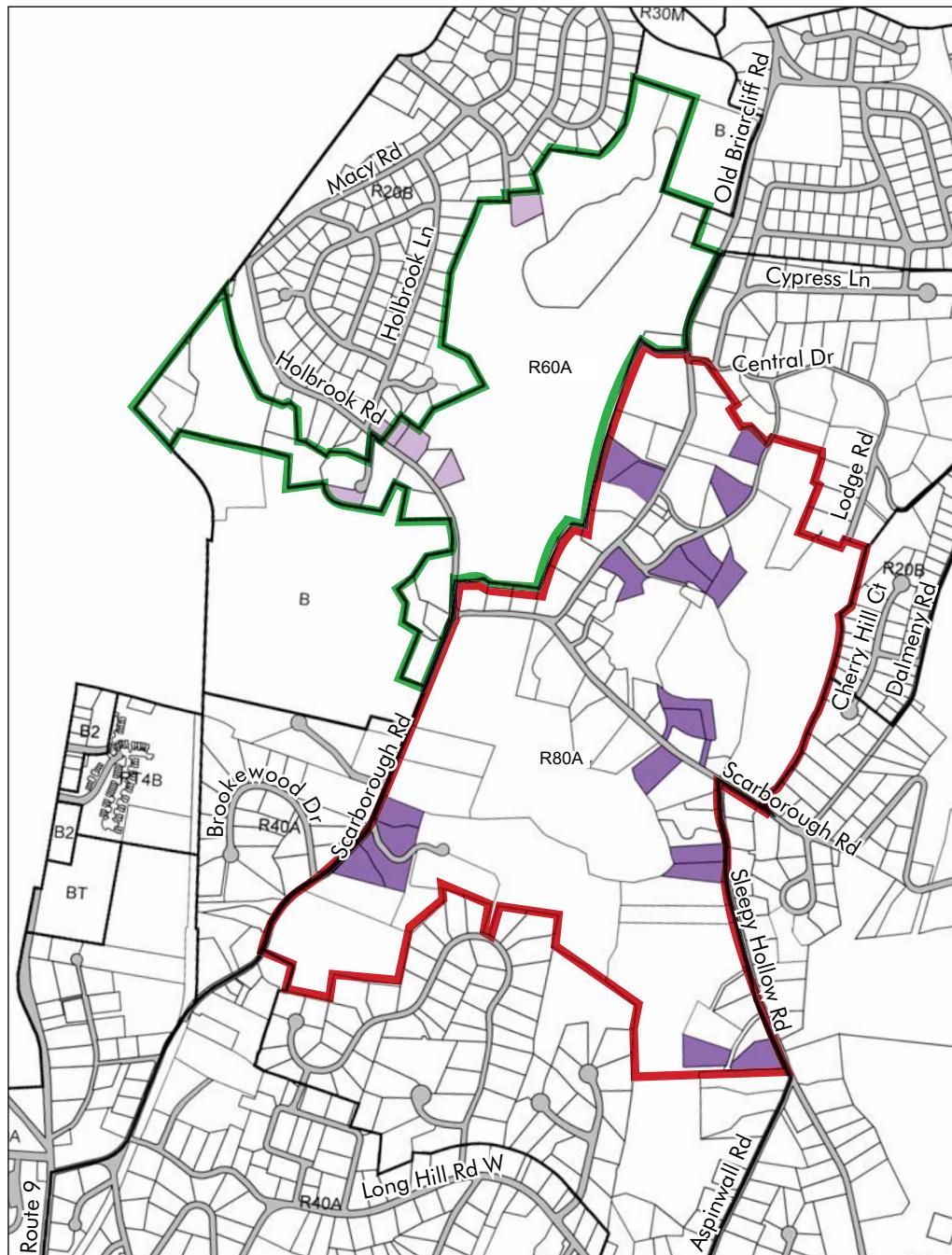
FIGURE 6: NONCONFORMING LOTS UNDER EXISTING  
ZONING

SOURCE: VILLAGE OF BRIARCLIFF MANOR



0

1500 Ft



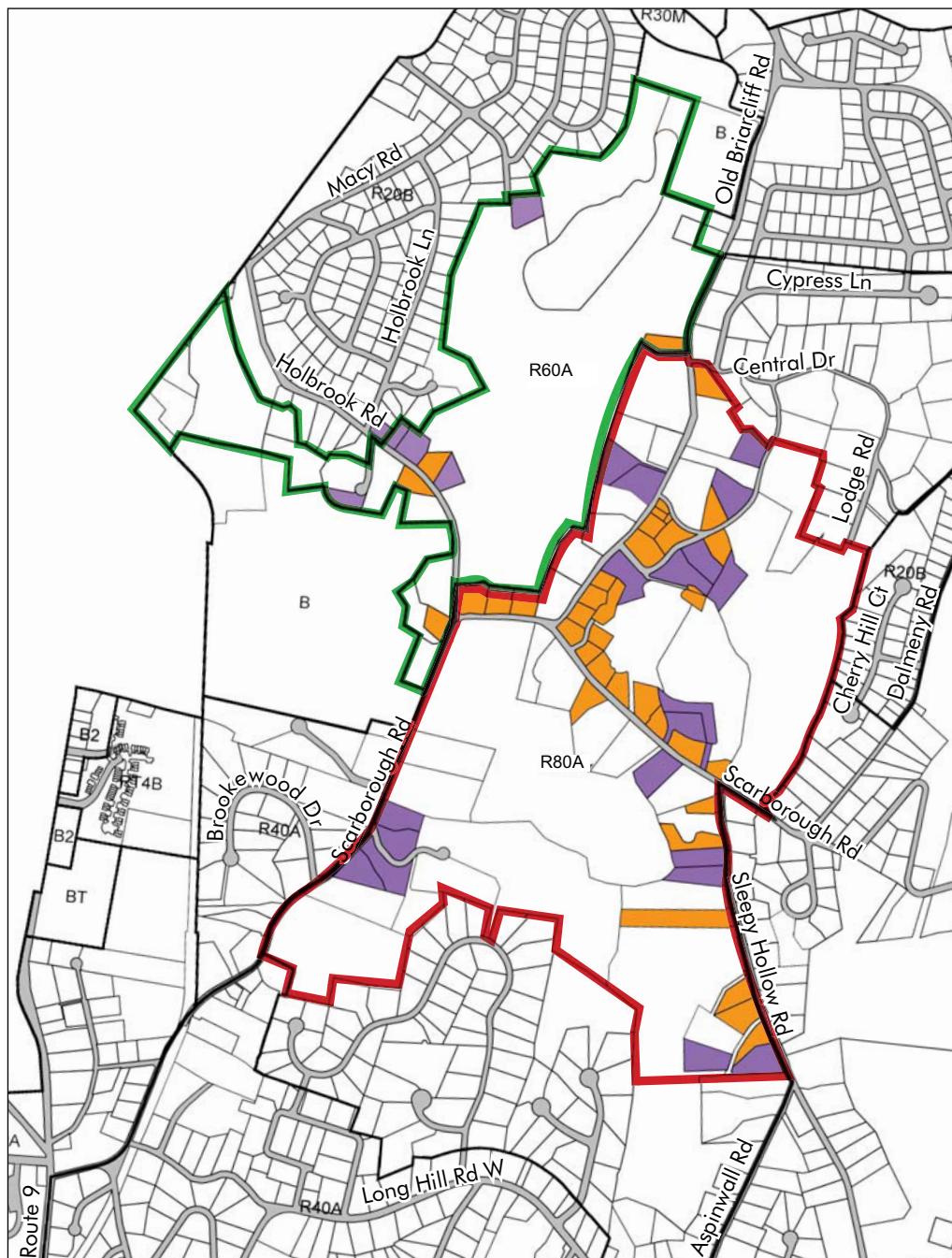
Key

- █ Proposed R60A District
- █ Non-Conforming Lots in Future R60A District
- █ Proposed R80A District
- █ Non-Conforming Lots in Future R80A District

SCARBOROUGH ROAD CORRIDOR REZONING  
BRIARCLIFF MANOR, NEW YORK

FIGURE 7: NONCONFORMING LOTS UNDER PROPOSED  
ZONING

SOURCE: VILLAGE OF BRIARCLIFF MANOR  
0 1500 Ft



Key

- Proposed R8
- Proposed R6
- Existing Non-Conforming Lots
- Future Non-Conforming Lots

SCARBOROUGH ROAD CORRIDOR REZONING  
BRIARCLIFF MANOR, NEW YORK

FIGURE 8: NONCONFORMING LOTS UNDER EXISTING  
AND PROPOSED ZONING

SOURCE: VILLAGE OF BRIARCLIFF MANOR  
0 1500 Ft

### ***Zoning Code Amendments – Nonconforming Buildings, Uses and Lots***

Consistent with the recommendations in the Scarborough Road Corridor Study and the Comprehensive Plan all non-conforming lots within the rezoning area will be "grandfathered" pursuant to Zoning Code §220-16. Nonconforming buildings and uses. The BOT is proposing to amend the text of §220-16 to clarify the grandfathering provisions; the amendments to §220-16 will apply Village-wide. In addition, Note 3.(d) contained in the "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings" (VC §220-4) will also be removed and incorporated into §220-16 with amendments to eliminate an existing inconsistency in the Zoning Code. The text of the proposed local law is included in Attachment B and summarized below:

- §220-16 will be amended to include not only nonconforming buildings and uses, but also nonconforming lots.
- The following requirements will be added to §220-16:
  - Nonconforming Buildings.
    - A building which is nonconforming with respect to any of the Zoning District setbacks and building bulk limitations set forth in § 220-4 of this chapter may be enlarged or altered in any manner that does not increase that nonconformity and otherwise complies, after the enlargement or alteration, with the Zoning District lot and building limitations, other than size of lot, set forth in § 220-4 of this chapter.
  - Nonconforming Lots.
    - A lot which does not conform to the minimum lot size requirement for the Zoning District in which it is situated and which:
      - Conformed with that lot size requirement on January 1, 2009, and was not in the same ownership as an adjacent lot on that date, may be used and developed as a lot for any purpose permitted in the district in which it is situated so long as such use or development complies with the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.
      - Conformed with that lot size requirement on January 1, 2009, and was in the same ownership as an adjacent lot on that date, may be used and developed as a lot for any purpose permitted in the district in which it is situated so long as such use or development complies with the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.
      - Did not conform with that lot size requirement on January 1, 2009, but was not in the same ownership as an adjacent

lot on that date, may be used and developed as a lot for any purpose permitted in the district in which it is situated so long as such use or development complies with the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.

- A building which is located on a nonconforming lot but is conforming with respect to all of the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter may be enlarged or altered in any manner that complies, after the enlargement or alteration, with the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.
- A building which is located on a nonconforming lot and is nonconforming with respect to any of the other Zoning District lot and building limitations set forth in §220-4 of this chapter may be enlarged or altered in any manner that does not increase that nonconformity and otherwise complies, after the enlargement or alteration, with the other Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter."

## ENVIRONMENTAL ASSESSMENT FORM – PART 1

Part 1 of this Full Environmental Assessment Form (EAF) evaluate the potential for environmental impacts to be created by the approval of the amendments to the Village Zoning Code and Village Zoning Map by the Village of Briarcliff Manor Board of Trustees (BOT). This legislative action is generic in nature, not site-specific, and does not directly result in physical changes to the environment. Part 1 of the Full EAF is designed for a site specific action rather than area-wide or generic proposals. As a result, many of the questions in Part 1 are not relevant to the proposed zoning amendments and have been answered “not applicable” or “NA.”

**617.20**  
**Appendix A**  
***State Environmental Quality Review***  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

## DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

### Identify the Portions of EAF completed for this project:

## Part 1

## Part 2

## Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared**.\*
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared**.

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

### Name of Action

### Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

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**Title of Responsible Officer**

---

Signature of Responsible Officer in Lead Agency

---

Signature of Preparer (If different from responsible officer)

website

Date

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action

Location of Action (include Street Address, Municipality and County)

Name of Applicant/Sponsor

Address

City / PO	State	Zip Code
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Business Telephone

Name of Owner (if different)

Address

City / PO	State	Zip Code
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Business Telephone

Description of Action:

**Please Complete Each Question--Indicate N.A. if not applicable**

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:       Urban       Industrial       Commercial       Residential (suburban)       Rural (non-farm)  
  
 Forest       Agriculture       Other

2. Total acreage of project area:      acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	acres	acres
Forested	acres	acres
Agricultural (Includes orchards, cropland, pasture, etc.)	acres	acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	acres	acres
Water Surface Area	acres	acres
Unvegetated (Rock, earth or fill)	acres	acres
Roads, buildings and other paved surfaces	acres	acres
Other (Indicate type)	acres	acres

3. What is predominant soil type(s) on project site?

a. Soil drainage:       Well drained      % of site       Moderately well drained      % of site.  
  
 Poorly drained      % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System?      acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?      Yes      No

a. What is depth to bedrock      (in feet)

5. Approximate percentage of proposed project site with slopes:

0-10%      %       10- 15%      %       15% or greater      %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?      Yes      No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?      Yes      No

8. What is the depth of the water table?      (in feet)

9. Is site located over a primary, principal, or sole source aquifer?      Yes      No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?      Yes      No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?      Yes      No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes      No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes      No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?      Yes      No

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

b. Size (in acres):

17. Is the site served by existing public utilities?      Yes      No

a. If YES, does sufficient capacity exist to allow connection?      Yes      No

b. If YES, will improvements be necessary to allow connection?      Yes      No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?      Yes      No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?      Yes      No

20. Has the site ever been used for the disposal of solid or hazardous wastes?      Yes      No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor:      acres.

b. Project acreage to be developed:      acres initially;      acres ultimately.

c. Project acreage to remain undeveloped:      acres.

d. Length of project, in miles:      (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed.      %

f. Number of off-street parking spaces existing      ;      proposed

g. Maximum vehicular trips generated per hour:      (upon completion of project)?

h. If residential: Number and type of housing units:

One Family	Two Family	Multiple Family	Condominium
------------	------------	-----------------	-------------

Initially

Ultimately

i. Dimensions (in feet) of largest proposed structure:      height;      width;      length.

j. Linear feet of frontage along a public thoroughfare project will occupy is?      ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site?      tons/cubic yards.

3. Will disturbed areas be reclaimed      Yes      No      N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation?      Yes      No

c. Will upper subsoil be stockpiled for reclamation?      Yes      No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site?      acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes                    No

6. If single phase project: Anticipated period of construction:                    months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated                    (number)

b. Anticipated date of commencement phase 1:                    month                    year, (including demolition)

c. Approximate completion date of final phase:                    month                    year.

d. Is phase 1 functionally dependent on subsequent phases?                    Yes                    No

8. Will blasting occur during construction?                    Yes                    No

9. Number of jobs generated: during construction                    ; after project is complete

10. Number of jobs eliminated by this project                    .

11. Will project require relocation of any projects or facilities?                    Yes                    No

If yes, explain:

12. Is surface liquid waste disposal involved?                    Yes                    No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount

b. Name of water body into which effluent will be discharged

13. Is subsurface liquid waste disposal involved?                    Yes                    No                    Type

14. Will surface area of an existing water body increase or decrease by proposal?                    Yes                    No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?                    Yes                    No

16. Will the project generate solid waste?                    Yes                    No

a. If yes, what is the amount per month?                    tons

b. If yes, will an existing solid waste facility be used?                    Yes                    No

c. If yes, give name                    ; location

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?                    Yes                    No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? tons/month.

b. If yes, what is the anticipated site life? years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity gallons/minute.

23. Total anticipated water usage per day gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

**25. Approvals Required:**

		Type	Submittal Date
City, Town, Village Board	Yes	No	
City, Town, Village Planning Board	Yes	No	
City, Town Zoning Board	Yes	No	
City, County Health Department	Yes	No	
Other Local Agencies	Yes	No	
Other Regional Agencies	Yes	No	
State Agencies	Yes	No	
Federal Agencies	Yes	No	

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

Zoning amendment	Zoning variance	New/revision of master plan	Subdivision
Site plan	Special use permit	Resource management plan	Other

2. What is the zoning classification(s) of the site?
3. What is the maximum potential development of the site if developed as permitted by the present zoning?

4. What is the proposed zoning of the site?

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?

8. Is the proposed action compatible with adjoining/surrounding land uses with a 1/4 mile? Yes No
9. If the proposed action is the subdivision of land, how many lots are proposed?
  - a. What is the minimum lot size proposed?

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?      Yes      No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?)

Yes      No

a. If yes, is existing capacity sufficient to handle projected demand?      Yes      No

12. Will the proposed action result in the generation of traffic significantly above present levels?      Yes      No

a. If yes, is the existing road network adequate to handle the additional traffic.      Yes      No

#### **D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

#### **E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name      Date

Signature

Title

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

#### General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

#### Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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#### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO                    YES

##### Examples that would apply to column 2

C	Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	Yes	No
C	Construction on land where the depth to the water table is less than 3 feet.	Yes	No
C	Construction of paved parking area for 1,000 or more vehicles.	Yes	No
C	Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	Yes	No
C	Construction that will continue for more than 1 year or involve more than one phase or stage.	Yes	No
C	Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	Yes	No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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C	Construction or expansion of a sanitary landfill.	Yes	No
C	Construction in a designated floodway.	Yes	No
C	Other impacts:	Yes	No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO                    YES

C	Specific land forms:	Yes	No
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### Impact on Water

3. Will Proposed Action affect any water body designated as protected?  
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO                    YES

**Examples** that would apply to column 2

C	Developable area of site contains a protected water body.	Yes	No
C	Dredging more than 100 cubic yards of material from channel of a protected stream.	Yes	No
C	Extension of utility distribution facilities through a protected water body.	Yes	No
C	Construction in a designated freshwater or tidal wetland.	Yes	No
C	Other impacts:	Yes	No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO                    YES

**Examples** that would apply to column 2

C	A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	Yes	No
C	Construction of a body of water that exceeds 10 acres of surface area.	Yes	No
C	Other impacts:	Yes	No

		1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
5. Will Proposed Action affect surface or groundwater quality or quantity?	NO      YES			
<b>Examples</b> that would apply to column 2				
C Proposed Action will require a discharge permit.			Yes	No
C Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.			Yes	No
C Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.			Yes	No
C Construction or operation causing any contamination of a water supply system.			Yes	No
C Proposed Action will adversely affect groundwater.			Yes	No
C Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.			Yes	No
C Proposed Action would use water in excess of 20,000 gallons per day.			Yes	No
C Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.			Yes	No
C Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.			Yes	No
C Proposed Action will allow residential uses in areas without water and/or sewer services.			Yes	No
C Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.			Yes	No
C Other impacts:			Yes	No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO                    YES

**Examples** that would apply to column 2

- C Proposed Action would change flood water flows                    Yes                    No
- C Proposed Action may cause substantial erosion.                    Yes                    No
- C Proposed Action is incompatible with existing drainage patterns.                    Yes                    No
- C Proposed Action will allow development in a designated floodway.                    Yes                    No
- C Other impacts:                    Yes                    No

#### **IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO                    YES

**Examples** that would apply to column 2

- C Proposed Action will induce 1,000 or more vehicle trips in any given hour.                    Yes                    No
- C Proposed Action will result in the incineration of more than 1 ton of refuse per hour.                    Yes                    No
- C Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.                    Yes                    No
- C Proposed Action will allow an increase in the amount of land committed to industrial use.                    Yes                    No
- C Proposed Action will allow an increase in the density of industrial development within existing industrial areas.                    Yes                    No
- C Other impacts:                    Yes                    No

#### **IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO                    YES

**Examples** that would apply to column 2

- C Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.                    Yes                    No

		1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C	Removal of any portion of a critical or significant wildlife habitat.			Yes No
C	Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.			Yes No
C	Other impacts:			Yes No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

**Examples** that would apply to column 2

C	Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	Yes	No
C	Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	Yes	No
C	Other impacts:	Yes	No

#### **IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

NO YES

**Examples** that would apply to column 2

C	The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	Yes	No
C	Construction activity would excavate or compact the soil profile of agricultural land.	Yes	No
C	The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	Yes	No

		1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C	The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).			Yes      No
C	Other impacts:			Yes      No

### IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO      YES

**Examples** that would apply to column 2

C	Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	Yes	No
C	Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	Yes	No
C	Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	Yes	No
C	Other impacts:	Yes	No

### IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO      YES

**Examples** that would apply to column 2

C	Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	Yes	No
C	Any impact to an archaeological site or fossil bed located within the project site.	Yes	No
C	Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	Yes	No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
<input type="checkbox"/> Other impacts:			Yes      No

#### IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO      YES

**Examples** that would apply to column 2

<input type="checkbox"/> The permanent foreclosure of a future recreational opportunity.	Yes	No
<input type="checkbox"/> A major reduction of an open space important to the community.	Yes	No
<input type="checkbox"/> Other impacts:	Yes	No

#### IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO      YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

<input type="checkbox"/> Proposed Action to locate within the CEA?	Yes	No
<input type="checkbox"/> Proposed Action will result in a reduction in the quantity of the resource?	Yes	No
<input type="checkbox"/> Proposed Action will result in a reduction in the quality of the resource?	Yes	No
<input type="checkbox"/> Proposed Action will impact the use, function or enjoyment of the resource?	Yes	No
<input type="checkbox"/> Other impacts:	Yes	No

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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### IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO                    YES

**Examples** that would apply to column 2

C Alteration of present patterns of movement of people and/or goods.	Yes	No
C Proposed Action will result in major traffic problems.	Yes	No
C Other impacts:	Yes	No

### IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO                    YES

**Examples** that would apply to column 2

C Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	Yes	No
C Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	Yes	No
C Other impacts:	Yes	No

### NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO                    YES

**Examples** that would apply to column 2

C Blasting within 1,500 feet of a hospital, school or other sensitive facility.	Yes	No
C Odors will occur routinely (more than one hour per day).	Yes	No
C Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	Yes	No
C Proposed Action will remove natural barriers that would act as a noise screen.	Yes	No
C Other impacts:	Yes	No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
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#### IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO      YES

C	Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	Yes	No
C	Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)	Yes	No
C	Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	Yes	No
C	Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	Yes	No
C	Other impacts:	Yes	No

#### IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

NO      YES

**Examples** that would apply to column 2

C	The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	Yes	No
C	The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	Yes	No
C	Proposed Action will conflict with officially adopted plans or goals.	Yes	No
C	Proposed Action will cause a change in the density of land use.	Yes	No
C	Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	Yes	No
C	Development will create a demand for additional community services (e.g. schools, police and fire, etc.)	Yes	No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C Proposed Action will set an important precedent for future projects.			Yes No
C Proposed Action will create or eliminate employment.			Yes No
C Other impacts:			Yes No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

**Marked to Show Revisions  
from Draft Dated 5/21/09**

A LOCAL LAW TO AMEND SECTION 220-3 OF THE CODE OF THE VILLAGE OF BRIARCLIFF MANOR AND THE ZONING MAP ADOPTED THEREUNDER TO MODIFY THE EXISTING R40A AND R60A SINGLE FAMILY RESIDENCE DISTRICTS AND ESTABLISH A NEW R80A SINGLE FAMILY RESIDENCE DISTRICT

**Draft 8/31/09**

Be it enacted by the Village Board of Trustees of the Village of Briarcliff Manor, as follows:

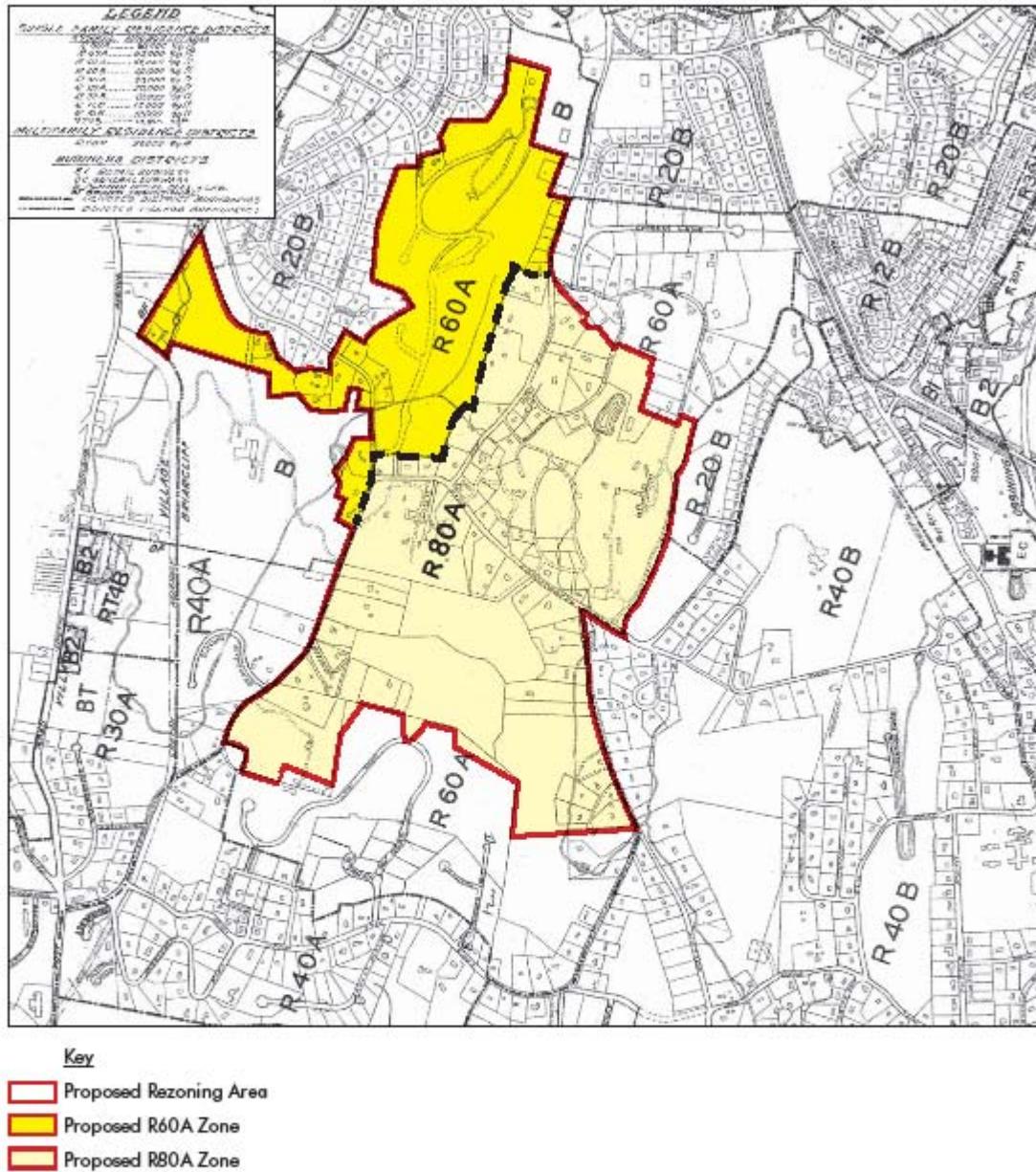
Section 1. Village Code Section 220-3, “Districts and maps,” is amended as follows:

(a) Paragraph A is amended to add “R80A Minimum lot area: 80,000 square feet” to the class of “Single-Family Residence Districts” above the row for “R60A Minimum lot area: 60,000 square feet”

(b) Paragraph B is amended to change the last revision date of the Zoning Map from “July 30, 1993,” to “[*The Date of Enactment of This Local Law*].”

Section 2. The Zoning Map of the Village of Briarcliff Manor, New York, dated October 29, 1958, last revised prior to the enactment of this Local Law on July 30, 1993, and now being last revised on [*The Date of Enactment of This Local Law*], which accompanies and is made a part of Chapter 220 of the Village Code pursuant to Village Code Section 220-3(B) is hereby revised and amended to modify boundaries of the existing R40A and R60A Single Family Residence Districts and establish the boundaries of a new R80A Single Family Residence District consisting of approximately 481 acres in the area north and south of Scarborough Road, including portions of Holbrook Road, Old Briarcliff Road, Lodge Road, Sleepy Hollow Road, and Becker Lane, as is specifically set forth on the attached map.

Map Revised to Carve the New Proposed R60A District out of the Proposed R80A



District

Section 3. Village Code Schedule 220:A5, “Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, and Size of Buildings,” adopted pursuant Village Code Section 220-4(A) is hereby amended to add a new Row 80A under “Key” and above Row “R60A” with the following values for the corresponding lot and building limitations as to use, minimum size of lot, maximum percent of lot to be occupied, minimum yards dimensions and separations, maximum heights, maximum floor areas, and other requirements set forth in the schedule:

**Village of Briarcliff Manor**  
**Schedule Limiting the Use of Buildings and Land and the**  
**Location, Arrangement and Size of Buildings**

**[Amended 5-20-1999 by L.L. No. 3-1999; 9-2-2003 by L.L. No. 6-2003; 8-16-2007 by L.L. No. 7-2007; *[The Date of Enactment of This Local Law]-2009 by L.L. X-2009]***

1	4	5	6	7	8	9	10	11	8A	9A	10A	10B	12	13	14	15	16	17	18	19	20	21	22	23	24
Lot Limitations													Building Limitations												
Key	Minimum Size of Lot		Maximum Percent of Lot to be Occupied by Buildings	Minimum Yard Dimensions in Feet From Lines to Principal Building <sup>1</sup>												Maximum Height		Maximum Gross Floor Area <sup>3,4</sup>		Principal Building	Accessory Building	Maximum Gross Floor Area <sup>3,4</sup>			
	Area in Square Feet			Lot Width in Feet at Minimum Front Yard Setback				Front Yard	One Side Yard	Two Side Yards Combined	Rear Yard	Front Yard	One Side Yard	Two Side Yards Combined	Rear Yard	Principal Building if Not Connected With It	Street Line	Side Lot Line	Rear Lot Line	In Stories	In Feet	For Sloping Roof	For Flat Roof		
	R80A	80,000	175	--	--	40	25	55	40	65	40	80	60	12	40	25	14	2 1/2	30	15	12	—	—	—	
See § 220-12, Required off-street parking and loading																									
R60A																									

Section 4. **Severability.** The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 5. **Effective Date.** This local law shall take effect immediately upon its filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.

**No Revisions  
from Draft Dated 5/21/09**

**A LOCAL LAW TO AMEND  
CHAPTER 220 OF THE CODE OF  
THE VILLAGE OF BRIARCLIFF  
MANOR RELATING TO  
NONCONFORMING BUILDINGS,  
LOTS, AND USES**

**Draft 8/31/09**

Section 1. Village Code Section 220-16, “Nonconforming buildings and uses” is amended to read as follows:

“§220-16. Nonconforming buildings, lots, and uses.

"A. May be continued subject to conditions. Any building, lot, or use lawfully existing under the provisions of the Zoning Ordinance in effect immediately prior to the date on which this chapter became effective, although not conforming with the provisions of this chapter for the district in which it is situated, may be continued or built upon subject to compliance with the conditions set forth in this section. Similarly, whenever a district shall be changed hereafter, the provisions of this chapter with regard to any building, or use, or lot lawfully existing at the time of the passage of this chapter shall apply, subject to the conditions set forth in this section, to any building, use, or lot lawfully existing in such changed district at the time of the passage of such amendment.

"(1) Nonconforming Buildings.

"(a) A building which is nonconforming with respect to any of the Zoning District lot and building limitations set forth in §220-4 of this chapter may be enlarged or altered in any manner that does not increase that nonconformity and otherwise complies, after the enlargement or alteration, with the Zoning District lot and building limitations, other than size of lot, set forth in § 220-4 of this chapter.

"(2) Nonconforming Lots.

"(a) A lot which does not conform to the minimum lot size requirement for the Zoning District in which it is situated and which:

[1] Conformed with that lot size requirement on January 1, 2009, and was not in the same ownership as an

adjacent lot on that date, may be used and developed as a lot for any purpose permitted in the district in which it is situated so long as such use or development complies with the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.

[2] Conformed with that lot size requirement on January 1, 2009, and was in the same ownership as an adjacent lot on that date, may be used and developed as a lot for any purpose permitted in the district in which it is situated so long as such use or development complies with the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.

[3] Did not conform with that lot size requirement on January 1, 2009, but was not in the same ownership as an adjacent lot on that date, may be used and developed as a lot for any purpose permitted in the district in which it is situated so long as such use or development complies with the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.

"(b) A building which is located on a nonconforming lot but is conforming with respect to all of the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter may be enlarged or altered in any manner that complies, after the enlargement or alteration, with the Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.

"(c) A building which is located on a nonconforming lot and is nonconforming with respect to any of the other Zoning District lot and building limitations set forth in §220-4 of this chapter may be enlarged or altered in any manner that does not increase that nonconformity and otherwise complies, after the enlargement or alteration, with the other Zoning District lot and building limitations, other than size of lot, set forth in §220-4 of this chapter.

"(3) "Nonconforming Uses.

"(a) No nonconforming use of a lot shall be enlarged or extended to additional land except that, in the case of golf clubs, the Board of Trustees may, by special permit, issued in accordance with the provisions of §220-6 of this chapter, authorize such an enlargement or extension to adjoining residential parcels, which

such nonconforming land touches, if the Board of Trustees finds that (a) such use (1) furthers the goal of open space preservation and the purposes of §220-7 of this chapter, (2) maintains or improves the relationship between the subject property and the surrounding community, (3) results in improvement in the public welfare, health, safety and applicable environmental concerns; and (b) unique circumstances exist that support the need for such enlargement or extension. Such special permit may include such conditions and restrictions relative to the use and operation of such nonconforming use as the Board of Trustees may find are necessary to achieve such purposes. Except as may be permitted under Subsection A(4) of this section, no such building which is nonconforming with respect to use shall be enlarged, nor shall such building be altered structurally except as may be required by order of the Building Inspector to strengthen or restore such building or restore such building or any part thereof to a safe condition.

"(b) After notice and hearing the Board of Appeals may permit an existing nonconforming use to be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this chapter, if no structural alterations except those required for health or safety are made therein.

"(c) A nonconforming use may not be changed to another nonconforming use, except that within six months after cessation of a lawfully existing nonconforming use, after notice and hearing the Board of Appeals may grant a temporary conditional permit for a new nonconforming use within the same structure, provided the Board of Appeals finds that the proposed new nonconforming use (1) will be more in keeping with the character of the neighborhood than the former nonconforming use, (2) will generate less traffic and (3) will tend to facilitate the later conversion of the structure to a conforming use. However, no such temporary permit shall be for more than five years, with not more than two successive extensions thereof of not more than five years each, and the Board of Appeals in granting such temporary permit or any renewal thereof shall impose such conditions as it deems necessary in the public interest for the protection of nearby conforming uses.

"(d) Effect of discontinuance. No such nonconforming use, if discontinued for six months or longer, shall be resumed.

"B. If made to conform, may not revert to nonconformity. No such nonconforming building or use, if changed to a building or use which conforms to

the provisions of this chapter shall be changed back to a nonconforming building or use.

"C. Effect of serious damage.

"(1) In all nonresidential zoning districts, no nonconforming nonresidential building destroyed or damaged from any cause to the extent, as determined by the Building Inspector, of over 50% of the value of its structure above the foundation shall be restored in nonconforming form or location on the lot or for the continuance of a nonconforming use therein. Any such building destroyed or damaged accidentally due to fire, explosion or other cause to the extent, as determined by the Building Inspector, of not more than 50% of the value of its structure above the foundation may, if so permitted by the Board of Appeals, be restored in substantially the same location, provided that it be not enlarged and that it comply with height, yard, area and other requirements of the schedule, and provided also that the Board of Appeals may permit the continuance without enlargement of such previous existing nonconforming use subject to such additional limitation and safeguards as it may deem necessary in the public interest for the protection of nearby conforming uses. Anything to the contrary in this subsection notwithstanding, the Board of Trustees may, by special permit issued in accordance with the provisions of §220-6 of this chapter, authorize a nonconforming golf clubhouse to be reconstructed or replaced, in whole or in part (but in no case enlarged), for its prior nonconforming use in substantially the same location and may permit the construction or replacement of any ancillary structure necessary or appropriate for such golf club use, provided that, in each such case, the Board of Trustees finds that (a) such construction, reconstruction or replacement (1) furthers the goal of open space preservation and the purposes of §220-7 of this chapter, (2) maintains or improves the relationship between the subject property and the surrounding community, and (3) results in improvement in the public welfare, health, safety and applicable environmental concerns; and (b) unique circumstances exist that support the need for such construction, reconstruction or replacement. Such special permit may include such conditions and restrictions relative to the use and operation of such nonconforming use as the Board of Trustees may find are necessary to achieve such purposes.

"(2) In all residential zoning districts, any nonconforming residential building destroyed or damaged from any cause to any extent may be repaired or reconstructed with the same habitable floor area, height, footprint, or less, as it existed prior to the destruction or damage, provided that the building fell within the definition of a legal preexisting nonconforming structure.

"(3) Any nonconforming residential building in a nonresidential zoning district destroyed or damaged from any cause to any extent may be repaired or reconstructed with the same habitable floor area, height, footprint, or less, as it existed prior to the destruction or damage, provided that the building fell within the definition of a legal, preexisting nonconforming structure.

"(4) Any repair or reconstruction as provided in this §220-16(C) must comply with all fire, construction, health and safety rules, regulations, ordinances and laws applicable at the time of repair or reconstruction. Substantial work of any such repair or reconstruction must be commenced within a period of 24 months after the damage or destruction of the building and shall be diligently prosecuted to completion.

"(5) Application to rebuild must be made within six months. Application for permit to rebuild or restore the damaged portion of any building damaged or destroyed as set forth in this Subsection (C) shall be filed within six months of the day of such damage and shall be accompanied by plans for reconstruction which, as to such portion, shall comply with the provisions of this chapter in all respects save as to the use of the building or structure.

"(6) Rebuilding must be completed within 18 months after a permit to rebuild or restore is granted. If a permit for such rebuilding or restoration is granted it, shall lapse 18 months thereafter except that the Building Inspector in his discretion may grant a three-month extension thereof.

"D. Certain uses must cease within five years. Any nonconforming sign made so by this chapter and any nonconforming use of land upon which there is no substantial structure or building, and the use of which is temporary in nature, such as a golf driving range, parking lot, junkyard, outdoor auto sales, or any use similar to those enumerated, shall be discontinued within five years from the adoption of this chapter."

Section 2. Village Code Schedule 220:A14, "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, and Size of Buildings, Exceptions and Modifications," is amended at Note 3, "As to miscellaneous matters," to delete Entry (d), to rename current Entry (e) as Entry (d), and to rename current Entry (f) as Entry (e).

Section 3. Severability. The invalidity of any word, section, clause, paragraph sentence, part, or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such invalid part or parts.

Section 4. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York in accordance with the provisions of the Municipal Home Rule Law.

## Appendix C

### Response to Comments Raised During the Public Hearing Process

As requested this appendix addresses the new substantive comments raised regarding the proposed Scarborough Road Corridor R60A/R80A Rezoning project (proposed action) during the Village's public hearing process. Many of the issues raised on the proposed action during this public hearing process are similar in nature to issues raised during the previous public hearing on the R80A Rezoning proposal; the previous responses to these issues are addressed and have been updated to reflect the current rezoning proposal and are included as an attachment to this appendix.

Currently, the BOT is considering amendments to the Village Zoning Code (§220-3) to add a new R80A (2-acre) single-family residential zoning district and district regulations, among other things, and a related amendment to the Village Zoning Map to remap an approximately 318-acre portion of the Scarborough Road Corridor currently zoned R60A residential zoning district to the new R80A zone and to remap an approximately 163-acre portion of the Corridor currently zoned R40A to R60A.

These actions are compatible with recommendations made in both the 2001 Scarborough Road Corridor Study and the 2007 Village of Briarcliff Manor Comprehensive Plan. To date the Village BOT has received draft local laws pertaining to the proposed amendments to the Zoning text and map and Environmental Assessment Form (EAF) Parts 1 and 2.

#### **New Environmental Issues Raised on the R60A/R80A Rezoning:**

1. **R50A District:** A comment was made that rezoning the Erani Property (97-acres within the existing R40A District) to R50A would be reasonable and that this alternative would allow Mr. Erani the opportunity to develop an additional seven lots under the R50A District as compared to the R60A District.

**Response:** In response to concerns raised by Mr. Erani's Legal Counsel over the equity of the previously proposed R80A Rezoning, in which the BOT considered rezoning the entire 418-acre Scarborough Road Corridor to a new R80A District, the BOT asked BFJ Planning to prepare an analysis of an alternative to the R80A Rezoning that proposed to rezone the R40A portion of the proposed rezoning area to R60A rather than R80A; under this alternative the R60A portion of the rezoning area would still be rezoned to the new R80A District (R60A/R80A Rezoning). After consideration of public comments and technical analysis, the BOT made the decision to move forward with the current R60A/R80A Rezoning. The current proposed action seeks to balance the concerns over equity with the goals of the 2007 Comprehensive Plan and 2001 Scarborough Road Corridor Study. Under the R80A Rezoning proposal, the new required minimum lot size within the R60A portion would have increased by 33% (from 60,000 SF to 80,000 SF), while within the R40A portion, the new required

minimum lot size would have increased by 100% (from 40,000 SF to 80,000 SF). If the R40A portion were instead rezoned to R60A, as proposed, the required minimum lot size would increase by only 50% (from 40,000 SF to 60,000 SF).

During the public hearing a comment was made that the 163-acre area to be rezoned R60A be, instead, rezoned to R50A (50,000 SF minimum lot size). The rationale behind this suggestion is that the rezoning of the R40A portion of the rezoning area to a new R50A District would more closely match the 33% increase in lot size that will occur for the properties to be rezoned from R60A to R80A. The Village of Briarcliff Manor does not currently have an R50A zoning district and would need to establish this as a new single-family residential zoning district in order to move forward with this proposal. Adding another new zoning district to the Zoning Code, in addition to the proposed R80A District, would create another administrative consideration for the Building Department. Further, neither the 2001 Scarborough Road Corridor Study nor the 2007 Comprehensive Plan support or recommend the establishment of a new R50A zoning district. This zoning action would therefore, be inconsistent with the Village's existing Comprehensive Plan. The proposed action is compatible with the Comprehensive Plan recommendations for the establishment of a new R80A zone but balances the extent of the recommendations (entire 418-acre rezoning area) of the Comprehensive Plan with the rights of the affected property owners within the Corridor.

Further, the Planning Consultant for Mr. Erani stated that if the Erani property were rezoned to R50A instead of R60A an additional 7 lots could potentially be developed, leaving approximately 51 developable lots rather than 44. Mr. Erani does not currently have a subdivision application before the Village Planning Board and the lot count provided by his Planning Consultant, to our knowledge, is not based on a detailed site specific survey and analysis of the property and its features. Further, the actual lot count of any subdivision proposed for Mr. Erani's property would ultimately be determined by the Planning Board during the subdivision approval process; in the absence of a subdivision application or a detailed subdivision plat the exact number of lots that could be developed on the Erani property is speculative at this time.

In addition, it is the opinion of the Village's Planning Consultant that the loss of approximately seven lots is de minimis when compared to the benefits gained by the Village and its residents from moving forward with the rezoning as proposed. Further, it is not possible to empirically equate the potential loss of lots to an actual loss in value to Mr. Erani. The number of lots in a subdivision is one factor in determining value; other factors also play an important role in determining the value of a property such as size, location, views, natural features, amenities, etc.

2. Land Use Planning Arguments: The comment was made that the Village's Planning Consultant, BFJ Planning, "was unable to refute the land use planning arguments presented by Mr. Lopez," Mr. Erani's Planning Consultant.

**Response:** BFJ Planning, represented by Mr. Frank Fish, FAICP, Principal, gave a presentation at the beginning of the BOT's November 5, 2009 public hearing on the proposed action. During this presentation Mr. Fish discussed the merits of the proposed action and presented the project as currently proposed. Following the presentation, the public was given the opportunity to give comments on the proposed action to the BOT. At no time during the public hearing was Mr. Fish asked by the BOT to clarify his statements or to respond to comments made on behalf of Mr. Erani. It is customary during a public hearing to simply take public comments rather than directly respond to comments made. This appendix responds to the comments made in writing and presented orally during the public hearing process on the proposed action. If the BOT would like its Planning Consultants and/or Legal Counsel to respond to any additional comments not addressed herein, we can do so.

3. **Viewsheds and Traffic:** A comment was made that rezoning the Erani property would do little to advance the goals of either the Corridor Study or the Comprehensive Plan as the Corridor Study focused upon Scarborough Road, with an emphasis on viewsheds and traffic. The commentor stated that the Erani properties do not front upon Scarborough Road and are buffered to a large degree from Old Briarcliff Road<sup>1</sup>. Hence, any views from the roads themselves would not be adversely affected by development on the Erani parcels.

**Response:** As stated on page 1 of the Scarborough Road Corridor Study, “[t]he overarching goal of this study is to develop strategies for preserving the bucolic character of the Scarborough Road corridor in terms of appearance, transportation function and environmental quality.” In addition, one of the three “Guiding Goals” of the Comprehensive Plan is to “[m]anage future growth along the Scarborough Road Corridor and promote development that would maintain the corridor’s existing character (Comprehensive Plan, page 2).” In both instances, the Corridor Study and the Comprehensive Plan specifically address maintaining the character of the Scarborough Road Corridor, *not* Scarborough Road. As demonstrated in the responses contained in Attachment A, the proposed Rezoning seeks to advance the goals of the Scarborough Road Corridor Study and Comprehensive Plan by reducing density, preserving natural resources and open space, preserving open space views within the Corridor (not just from Old Briarcliff Road) and by reducing traffic within the Corridor as a whole (see Responses 1-4 in Attachment A for additional discussion).

In addition, the Scarborough Road Corridor Study Area was established by drawing a parcel-specific study area boundary around all parcels where those who either, live, work or recreate

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<sup>1</sup> During the Public Hearing, the commentor also suggested that the Erani property is located on a “Secondary Road” and therefore, was not really a focus of the Corridor Study or its recommendations. That comment misunderstands the functional classification of a roadway as “Primary” or “Secondary,” however. Those classifications relate to the road’s use and carrying capacity, which are important from a transportation engineering perspective, not the degree to which it is affected by development, and as stated in the response herein, the Scarborough Road Corridor, including all land within the Corridor, is important to the Village and its residents for more than traffic reasons.

there would utilize Scarborough, Pine and/or Dalmeny Roads for routine travel. The Corridor Study sought to quantify the development projections and impacts by confining the study analysis to the land within this boundary, not just immediately adjacent to these roadways. If developed, residents living on the Erani property would utilize either Holbrook or Old Briarcliff Roads which feed traffic directly into Scarborough Road.

4. **SEQR Process:** The comment was made that a Generic Environmental Impact Statement should be prepared to analyze the impacts of the proposed action.

**Response:** The BOT has two options for conducting the required environmental review for the Scarborough Rezoning project. Under the first option, a detailed Full Environmental Assessment Form (EAF) containing relevant technical appendices/attachments would be prepared to support a determination of non-significance (negative declaration). Under the second option, the BOT would adopt a positive declaration for the project and a Generic Environmental Impact Statement (GEIS) would be prepared to analyze various potentially significant adverse environmental impacts of the project.

Based on our review of the environmental impacts of the proposed action in the EAF, we believe that the proposed R60A/R80A rezoning will not result in any significant adverse impacts and that the EAF could be used by the BOT as the basis for adopting a negative declaration. The only “test” the BOT needs to comply is whether after taking a “hard look” at the issues, “the action may include the potential for at least one significant adverse environmental impact” (6NYCRR Part 617.7(1)). We believe that this Full EAF identifies and addresses all environmental impacts from the proposed rezoning and will not result in the potential for any significant adverse environmental impacts to occur.

**Attachment A:**

**Previous Environmental Issues Raised on the Proposed R80A Rezoning Proposal**

The following pertinent environmental issues were raised on the previous R80A Rezoning proposal and are applicable to the current proposed action (R60A/R80A). The following responses were originally prepared for the previous R80A Rezoning proposal and have been updated to reflect the current R60A/R80A Rezoning proposal (proposed action):

1. **District Boundaries:** A concern was raised regarding how the proposed rezoning boundaries were determined and the rationale for determining those boundaries.

**Response:** The entire Scarborough Road Corridor is approximately 1,011 acres in size and includes land zoned Business (B), R20B, R30A, R40A, R40B, and R60A. The northern portion (481-acre proposed rezoning area) was considered for upzoning because it has the most undeveloped properties so upzoning in this area would be the most effective and would minimize the extent to which existing lots would be rendered nonconforming. The southern portion (R40A District) is largely built-out and the western portion is zoned for business uses. The R40B District located in the eastern portion is largely comprised of the Trump National Golf Course and Pine Road Park and was therefore not included in the rezoning area.

The proposed boundaries of the Scarborough Corridor R60A/R80A Rezoning adhere to the recommendations of the Scarborough Road Corridor Study. The study analyzed five different rezoning scenarios and concluded that upzoning the proposed rezoning area to R80 from R40A and R60A was the preferred scenario because of its compatibility with existing zoning in the area and that it would create fewer non-conforming lots than the less dense scenarios (i.e. R100 or R200) considered. The study considered upzoning the area to R100 (2.5 acre) or R200 (5 acre) as these options would provide greater protection against future development impacts in the area but ultimately recommended the proposed R80 District as a means of balancing the need for additional development controls in area with the interests of property owners.

However, during the public hearing process for the proposed R80A Rezoning, concerns were raised that the proposed R80A Rezoning might lead to inequities and infringement of property interests to landowners within the R40A portion of the rezoning area. Under the R80A Rezoning scenario, the required minimum lot size within the R40A portion of the rezoning area would have increased by 100% (from 40,000 SF to 80,000 SF), while the required minimum lot size within the R60A portion would have only increased by 33% (from 60,000 SF to 80,000 SF).

In order to address these concerns the BOT had its planning consultants, BFJ Planning, prepare an analysis of an alternative to the R80A Rezoning that proposed to rezone the R40A

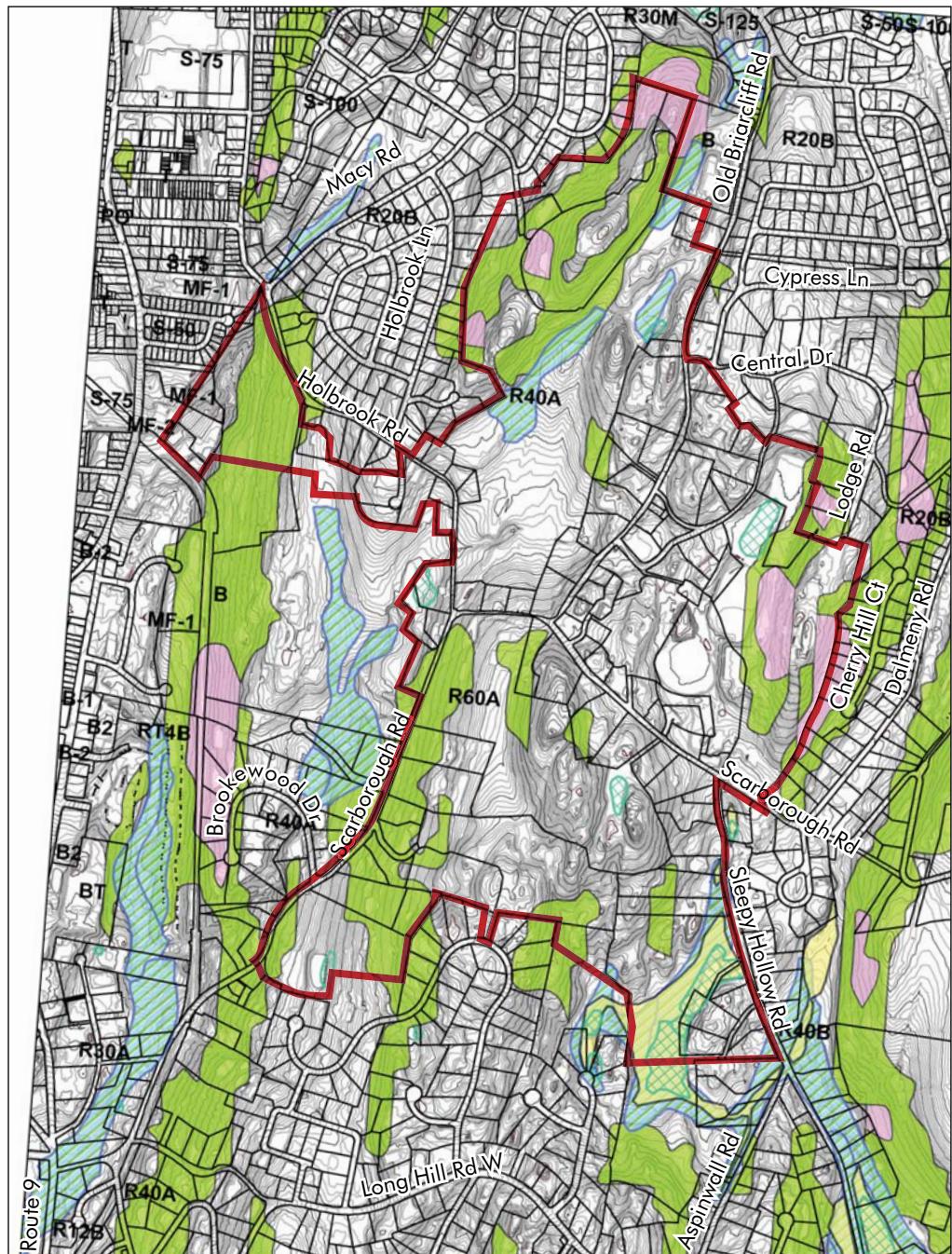
portion of the proposed rezoning area to R60A rather than R80A; under this alternative the R60A portion of the rezoning area would still be rezoned to the new R80A District (R60A/R80A Rezoning). After consideration of public comments and technical analysis, the BOT chose to move forward with the proposed R60A/R80A Rezoning for the 481-acre portion of the Scarborough Road Corridor; the boundaries of the rezoning area are still the same as proposed in the 2001 Scarborough Road Corridor Study and under the R80A Rezoning proposal.

Further, in terms of environmental features both the southern (R60A) portion and the northern (R40A) portion of the proposed rezoning area contain areas with steep slopes and wetlands (see Figure 1: Topography, Steep Slopes and Wetlands). As illustrated in Figure 1, these natural features are primarily located on the large undeveloped parcels (i.e. Astor property and Erani property) located in the northern (R40A) and southern (R60A) portions of the rezoning area. The even distribution of natural features throughout the proposed rezoning area supports the rezoning of the area as a means of better protecting these features.

2. **Growth Inducement:** A concern was raised that the proposed action will make it more expensive to purchase property or a home in the Scarborough Road Corridor resulting in induced growth in, or a shift in growth to, other areas of the Village or in surrounding communities.

**Response:** The purpose of the proposed rezoning is to address longstanding concerns of the Village and its residents, as documented by the 2001 Scarborough Road Corridor Study and the 2007 Village Comprehensive Plan, regarding the importance of managing future growth in the Scarborough Road Corridor as well as the promotion of development that maintains the corridor's existing character. Both the Scarborough Road Corridor Study and the Comprehensive Plan recommend that the Scarborough Road Corridor be upzoned from its existing mix of R40A and R60A zoning to a new R80 District. The proposed action stems from the recommendations of these two plans. The Proposed Action decreases the number of potential units within the corridor as a means of preserving the character of the area.

According to the 2007 Comprehensive Plan, the Village is approximately 87% built-out (see Comprehensive Plan page 16). The R40A/B and R60A Districts comprise approximately 40% and 22%, respectively, of the land area in the Village. The proposed rezoning would reduce the amount of land zoned R40A/B from 37% to 33%, while the amount of Village land zoned R60A would increase from 22% to 26% (Village of Briarcliff Manor GIS, 2003).



Key

- Rezoning Area
- Wetlands
- National Wetlands
- State Wetlands
- County Wetlands
- Steep Slopes
- 15-25%
- Over 25%

Figure 1: Topography, Steep Slopes and Wetlands

The proposed Scarborough Corridor R80A Rezoning will reduce the development potential within the 481-acre rezoning area by approximately 56-68<sup>2</sup> units as compared to the existing R60A and R40A zoning in the area. Under the existing zoning approximately 194-235 units could be built in the area; under the proposed R60A/R80A zoning approximately 138-167 new homes could be built in the area (approximately 61-74 units within the R40A portion and approximately 77-93 units within the R60A portion). The proposed action reduces the opportunity for development in the Corridor by 29%. Because this reduction is only some 56-68 units, any shift in growth to other areas would be minimal in terms of environmental impact.

Growth shifts are capped by the limits of zoning that already exist. In addition, it is important to note that only two additional lots have been created in the corridor since the 2001 Scarborough Road Corridor Study and there are no subdivision applications for land within the corridor currently under consideration by the Village Planning Board<sup>3</sup>. Thus we must distinguish between a theoretical build-out and the much slower market trend for real-estate development. Growth inducement that is this small over such a large area and projected over a reasonably long market absorption rate does constitute a significant issue.

3. **Community Character:** A concern was raised that the proposed rezoning will affect almost 1/3<sup>rd</sup> of the Village and could change the character of the Village by creating larger lots, with larger houses, in a more exclusive area.

**Response:** The purpose of the proposed rezoning is to preserve, maintain and protect the existing community character of the Scarborough Road Corridor. Much of the rezoning area is characterized by large parcels (over 5-acres) of vacant, open space, or under-developed land. Through the proposed upzoning, the Village intends to maintain the existing character of the corridor by reducing the overall development potential of the area.

The importance of the existing character of the Scarborough Road Corridor was the impetus for the 2001 Scarborough Road Corridor Study. The Scarborough Road Corridor Study was commissioned by the Village in 2000 to study the Village's options for managing future growth in the corridor area while promoting development that would maintain the corridor's quiet country character and visual charm.

In order to determine and define what Village residents found important about the corridor an extensive public process was undertaken as part of the study. A public forum was held with written invitations issued by the Mayor to all addresses within the study area. Interviews were conducted with property owners, managers and residents, and a project advisory committee was formed, with representatives of the Village Board of Trustees, Planning Board,

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<sup>2</sup> The projected development range reflects a 20 to 34 percent reduction from the total maximum build-out to account for roads, infrastructure and environmental constraints, taking into account that this deduction may vary from parcel to parcel.

<sup>3</sup> Village of Briarcliff Manor Building Department, 2009.

Zoning Board and Conservation Commission. This public process determined the following: that Village residents value the corridor's rural feel and charm, narrow winding character, intermittent stretches of brick and stone walls, overarching tree canopy, and the area's low density and open space. In addition, traffic safety and flow were raised as concerns; these concerns were confirmed based on accident data studied and analyzed as part of the study. The study ultimately concluded that upzoning a portion of the corridor (proposed 481-acre rezoning area) was the most balanced means of managing growth in the corridor while still maintaining the area's existing character.

Further, the 2007 Comprehensive Plan includes as an overall goal of the plan the "[m]anagement of future growth along the Scarborough Road Corridor and promotion of development that would maintain the corridor's existing character." The plan specifically recommends the upzoning of a portion of the corridor to a new R80 District. The Comprehensive Plan, its goals, policies and recommendations were fully informed by the public. The Comprehensive Plan was drafted during a two-year planning process that involved numerous opportunities for public involvement. The plan incorporates ideas and recommendations of Village officials, the Comprehensive Plan Committee and residents. Believing that resident participation would be critical in ensuring that the Plan represents the needs and interests of the entire Village, the first phase of the process was devoted entirely to resident participation. The BOT conducted five neighborhood meetings targeted to the various Village neighborhoods, including the Scarborough Road Corridor. Each meeting began with a brief presentation by the Mayor regarding current projects, followed by a discussion of neighborhood "likes" and "dislikes." The Comprehensive Plan Committee developed and circulated a written survey to all households. Six hundred and thirteen (613) surveys were returned for a fairly high response rate of 24 percent. Survey questions encompassed a variety of issues including Village services, Village appearance, quality of life and the future of the Village. In addition, residents were invited to a planning workshop, a committee public hearing, and three public information meetings to review and provide feedback on the draft plan. Prior to plan adoption, the BOT held four public hearings. The proposed rezoning is in full conformance as required by Section 7-722 of the New York State Village Law, which requires that all land use regulations be in accordance with a village's comprehensive plan. In addition, the Village received a letter from the Westchester County Planning Board, dated June 4, 2009, stating the following:

*"Through the 2001 Corridor Study and the 2007 Comprehensive Plan, the Village has established a strong planning rationale for the proposed zoning amendments. This type of study and analysis that clearly sets out a statement and vision of community character is an effort that the County Planning Board encourages all communities to undertake so as to provide a sound basis for land use regulation."*

The County, in a letter reviewing the revised Rezoning Proposal (R60A/R80A) dated November 19, 2009, stated that they "have no further comments," than those previously submitted in the June 4, 2009 letter referenced above.

4. **Transition:** Concerns over the transition between the R20B zoned land located to the west and north of the portion of the rezoning area that is currently zoned R40A were raised.

**Response:** The R40A portion of the rezoning area is abutted by the R20B district (20,000 SF minimum lot size) to the north and west. The back of the R20B lots are contiguous to the back of the R40A lots, and they do not share any common road frontage. As a result, there is no readily apparent differentiation between the two zones.

It is important to note that the vast majority of the R40A portion of the rezoning area is currently undeveloped open space. The existing open space views currently experienced by the homeowners' whose lots abut the area may be better preserved by the proposed upzoning of the R40A portion of the rezoning area by the creation of larger lots with increased setbacks (60 feet versus 45 feet). Larger lots also offer greater flexibility in citing development to avoid or minimize impacts to natural resources (i.e. steep slopes, wetlands, trees, etc.).

The maximum gross floor area for single-family residential construction will increase from a maximum of 5,400 SF for a house on a 40,000 SF lot in the R40A District to a maximum of 6,800 SF on a 60,000 SF in the proposed R60A District. Within the area currently zoned R60A, the maximum gross floor area for single-family residential construction will increase from a maximum of 6,800 SF for a house on a 60,000 SF lot in the R60A District to a maximum of 8,350 SF on an 80,000 SF in the proposed R80A District. The gross floor area for these zones is prescribed by Village Code §220:A5 "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings." However, this increase in allowable gross floor area will be balanced by the construction of fewer homes, as well as by existing Village regulations requiring the preparation of a Mandatory Tree Planting Plan (MTPP) "to screen and mitigate the view of proposed residential structures and additions from the street and adjoining properties..." (Village of Briarcliff Code §220-9.2. Mandatory Tree Planting Plan.) If the gross floor area on a lot will be equal to or greater than 5,000 SF then the MTPP must be submitted to the Planning Board for review and approval. In addition, the MTPP regulations require that 1 tree be planted for every 100 SF of gross floor area over 3,500 SF – a maximum of 19 trees would be required on R40 lots, a maximum of 33 trees on R60 lots, and a maximum of 49 trees would be required on R80 lots.

Further, both the Scarborough Road Corridor Study and the 2007 Comprehensive Plan recommend the use of conservation subdivisions within undeveloped portions of the Corridor to preserve existing open space and protect natural features. Conservation developments (see Village Code §220-7) provides for resource preservation while accommodating the same

level of density allowed by a parcel's zoning designation. Conservation development creates smaller lots clustered together, leaving the balance of the land for open space and/or recreation. The clustering of homes on smaller lots reduces impervious surfaces (i.e. smaller building footprint), minimizes the cost of infrastructure and utilities, and provides a method for avoiding natural resources (see Attachment A for a sample Conservation Development Layout). The use of conservation development on the remaining undeveloped land within the corridor could be employed to further maintain and preserve the existing open space character of the corridor. This coupled with the proposed decrease in allowable density would further the Village's goal of managing future growth along the Scarborough Road Corridor and promoting development that maintains the corridor's existing character.

5. **Quantitative Data:** The statement was made that the Village cannot rely on the outdated quantitative data in the 2001 Scarborough Road Corridor Study to determine that the upzoning will not create adverse environmental impacts.

**Response:** The findings of the Scarborough Road Corridor Study, which included detailed quantitative analysis, were updated as necessary, as part of this SEQR review. The proposed rezoning of 481-acres of land currently zoned a mix of R40A (163-acres) and R60A (318-acres) will result in a reduction in the build-out potential of the area by approximately 29% or approximately 56-68 fewer potential single-family housing units. On a proportionate basis, trip generation in the AM and PM peak hours would be reduced by 29% under the proposed action as compared to build-out under existing conditions. See Table 1: Zoning Comparison of Existing Conditions versus the Proposed Action in the EAF for additional information.

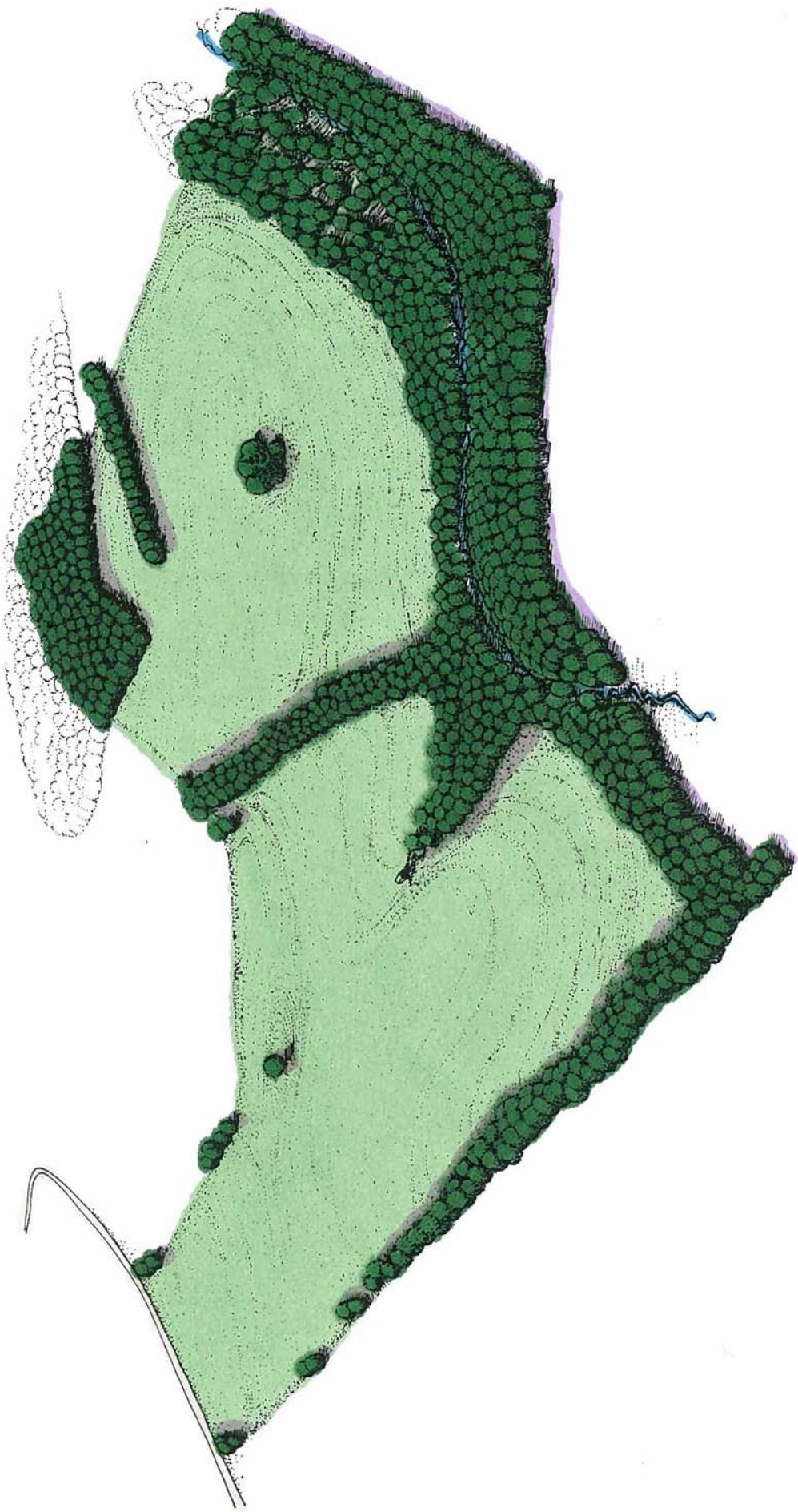
Since the 2001 study only one subdivision has been approved in the rezoning area resulting in the creation of two additional lots<sup>4</sup>. The Planning Board approved the Briarcliff Manor Investors LLC and Integrated Development Group LLC Continuing Care Retirement Community (CCRC) in November 2008, which is located within the rezoning area. The Scarborough Road Corridor Study included in its analysis traffic data associated with the "Garlands at Briarcliff Manor Draft Environmental Impact Statement;" this DEIS was used as the basis for the Planning Board's SEQR approval of the CCRC in 2008. Further no major roadway improvements or other infrastructure improvements have taken place within the Scarborough Road Corridor<sup>5</sup>. The basic findings of the study and the potential reduction in impacts quantified within the rezoning area still are applicable and sufficient to support the finding that the proposed rezoning will not result in any significant adverse environmental impacts.

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<sup>4</sup> Village of Briarcliff Manor Building Department, 2009.

<sup>5</sup> Village of Briarcliff Manor Building Department, 2009.

**Attachment A: Sample Conservation Development Layout**



SCARBOROUGH ROAD CORRIDOR STUDY  
VILLAGE OF BRIARCLIFF MANOR, NY

CONSERVATION DEVELOPMENT: BEFORE DEVELOPMENT

NTS

BEJ Planning

SOURCE: RANDALL ARENDT "DESIGNING OPEN SPACE SUBDIVISIONS"



SCARBOROUGH ROAD CORRIDOR STUDY

VILLAGE OF BRIARCLIFF MANOR, NY

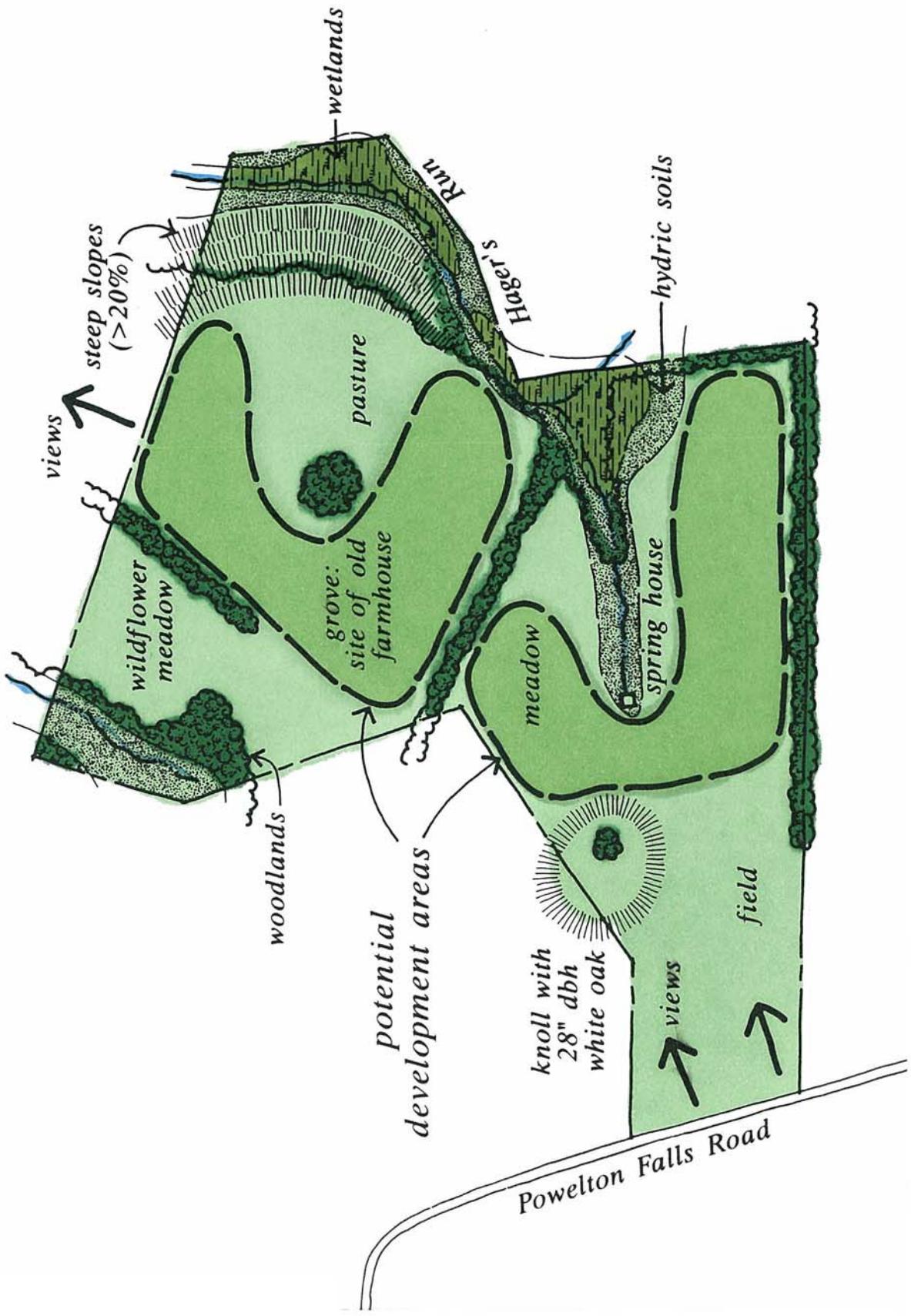
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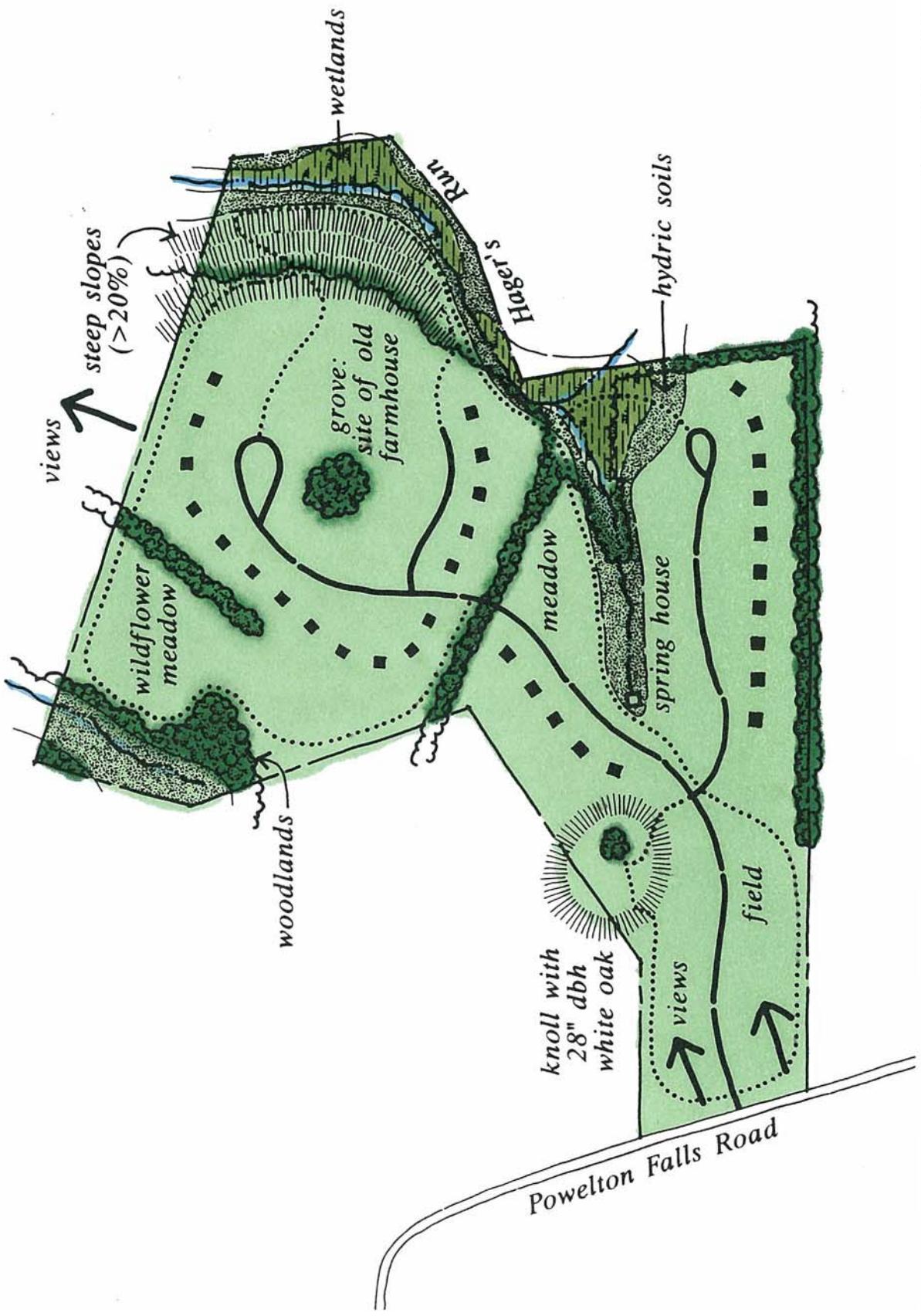
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BEJ Planning

SOURCE: RANDALL ARENDT "DESIGNING OPEN SPACE SUBDIVISIONS"





SCARBOROUGH ROAD CORRIDOR STUDY

VILLAGE OF BRIARCLIFF MANOR, NY

DESIGNING ROAD ALIGNMENTS AND TRAIL LINKS

SOURCE: RANDALL ARENDT "DESIGNING OPEN SPACE SUBDIVISIONS"



SCARBOROUGH ROAD CORRIDOR STUDY

CONSERVATION DEVELOPMENT

VILLAGE OF BRIARCLIFF MANOR, NY

SOURCE: RANDALL ARENDT "DESIGNING OPEN SPACE SUBDIVISIONS"