

Memo

To: Chairman and Members of the Planning Board

From: Bob Galvin, Village Consulting Planner

CC: Kathy Zalantis, Dan Pennella, Lizabeth Meszaros

Date: 3/20/19

Re: Artis Dementia Facility (153 White Plains Road) – Review of Supplemental Draft Environmental Impact Statement (SDEIS)

A revised SDEIS was submitted on February 11, 2019 for review. The Planning Board as lead agency must decide whether the SDEIS is complete and adequate for public review and comment, in terms of both its scope and content. Adequacy of the SDEIS should be based on reasonable expectations, keeping in mind that the purpose of the public comment period is to allow all involved agencies and the public to review the SDEIS and comment on its merits. The regulations do not demand that the SDEIS be perfect; it should be adequate with respect to the final written scope and the incorporation of late-filed comments in either an appendix or the body of the SDEIS. The SDEIS should provide the public and involved agencies with the necessary information to evaluate project impacts, alternatives, and mitigation measures.

At the Planning Board meeting on February 25, 2019, the Board voted to direct the Applicant to incorporate a discussion of two additional issues within the SDEIS. *The Applicant has provided a memorandum dated 3/11/19 which discusses these issues to be included in the revised SDEIS.* Staff and counsel have reviewed the SDEIS and a completeness memorandum has been developed including the Village Engineer's comments and highlighting more substantive comments. The Village Attorney has prepared a memorandum dated March 22, 2019 which supplements the comments in the Completeness memorandum. Additionally, we have marked up the SDEIS and embedded all comments within this word document. We would recommend that

the Planning Board at its March 25, 2019 meeting determine that the SDEIS as submitted is incomplete and not ready for public review. Both the completeness memorandum and marked up document comply with SEQRA requirements to specify all deficiencies within 45 days in writing.

It is important to note that this review focuses on completeness of the SDEIS only. Once the document is accepted as complete by the Planning Board, the Village's consultants will conduct a full review of the SDEIS content, including the various alternatives analyzed by the Applicant. The SDEIS will also be subject to a public hearing and a written comment period.

The comments follow the format of the SDEIS.

General/Organization of the SDEIS

Remove all references to 21 Wildey Street on the Title Page and all other internal references (correct reference is One Depot Plaza).

Standardize the A/D Floating/Overlay zone throughout the document. Comments note the location of these discrepancies in the document.

Label A/D Floating/Overlay in list of exhibits, on the map in the Appendix and on p. 53. Site Locator map is also labeled as Figure 1 on p. 17 and in the Exhibits. May want to change the Figure number for the A/D Floating/Overlay zone map. (labeled as Figure 1)

Question - How large is the original FEIS and can it be added to the Appendix.

Include in the List of Figures - **Figure – M - 8** Hoe Family) Article in New Int'l Encyclopedia of 1905.

Chapter 1 – Executive Summary

p. 10 - Incorrect date for adoption of Findings Statement: On November 27, 2006 a Findings Statement was adopted by the Planning Board. THE FEIS was filed and accepted by the Planning Board on August 28, 2006. Same issue on p. 25 in Chapter 2.

p. 10 - may want to add one sentence referring to ZBA variance approval on 4/1/04 approved subject to donation of land to Village (relative to new firehouse) which

has been constructed. ZBA resolution in P-Appendix. This is covered in greater detail in the Chapter 2 Project Description

p. 11 - First paragraph on top of page refers to ZBA interpretation allowing medical use in the OB zone. Is there a resolution or ZBA minutes referring to this ZBA opinion – it is not included in Appendix but should be included.

p.14 - Clarify last sentence on p. 14 - The PB is the lead agency. The BOT as an involved agency can accept the findings of the PB or develop its own findings relative to the zoning petition.

p.15 - On list in middle of page – After Construction Impacts - Add: Adverse Impacts that Cannot be Avoided.

p. 16 - Add: “Emergency access will be provided on Martling Avenue.”

p. 20 – In paragraph on Chapter 5: Alternatives – instead of four alternatives, there are three alternatives and the No Action alternative to the proposed action. Applicant explains that the Medical Office Building of 60,000 sf with 300 cars will not fit on the site (primarily due to the large amount of parking required). Therefore, this alternative was eliminated. *This has been discussed by the Applicant in the body of the SDEIS.*

p. 20 - Scope requested commercial office bldg. of 60,000 sf that was the subject of a previous approved site plan. Explain why 54,000 sf was selected instead of 60,000 sf. Chapter 3 mentions the No Action Alternative. The "No Action" alternative must always be discussed to provide a baseline for evaluation of impacts and comparisons of other impacts. The substance of the No Action discussion should be a description of the likely circumstances at the project site if the project does not proceed. (SEQRA Handbook C – 32) The previous site plan approval for the 60,000-sf commercial office building has been abandoned by Crescent Associates. *The Applicant has discussed this in a memorandum dated 3/8/2019. The explanation will be included in the revised SDEIS.*

p. 21 – At end of first paragraph on page – Make reference to the surrounding parcels on Rte. 119 and Martling Avenue indicating their zoning.

p. 22 – Under section G – Stormwater Management – the paragraph mentions the micropool – please explain if there are any changes or mitigations to the micropool – landscaping, aeration, etc.

p. 22 Village Engineer comment: G. Stormwater Management - Address any issues, visual or potentially hazardous from the standing water in the micropool due to mosquitos breeding that may have arisen since its installation.

p. 22 Village Engineer comments: H. Traffic and Transportation – in Traffic Impact Report (Appendix B) - Address emergency situations such as peak hour discharge at 5 p.m. from 155 White Plains Road, vehicles entering ramp to bridge and emergency call from the proposed site. Also add discussion of potential impacts to the newly installed westbound signalized ramp to the bridge.

p. 23 – First paragraph - The submitted Traffic Study quantifies existing and future traffic conditions surrounding the site, both with and without the Project. Additional traffic studies could be requested related to an applicant’s request to the BOT for the application of an A/D floating/overlay zone for a different eligible property.

Chapter 2 – Project Description

p. 25 and p. 30- same comment on page 10 in Chapter 1 (incorrect date for adoption of Findings Statement.

p. 25 - Indicate the site’s location between White Plains Road and frontage along Martling Avenue with no actual frontage along White Plains Road. Describe the drainage easement through the Cavendish property and ownership as well as total area, width and length of the easement.

p. 29 – Top line on page – please clarify the sentence - 50% to include both wetlands and steep slopes – steep slopes are defined as 25% or greater.

p. 29 - In Section C - generally describe the land use and zoning around the site along Rte. 119 and Martling Avenue. This may be a place to describe the Hitachi property in the OB zone (not an eligible site) and potential status – as best you know.

p. 29 – at bottom of page - What does drainage easement allow – other utilities including drainage?)

Extensive Historical Review for the site and surrounding area has been researched and provided by the Applicant (page 30 – 42)

p. 35 – At end of first paragraph - may wish to mention the existence of the stone gate pillars along Martling Avenue.

p. 44 - Specify the page numbers 57 – 59 for the zoning text in the document. The text is 13 pages further into the document at this point.

p. 45 – At bottom of page - clarify the difference between the floating and overlay zone. It appears that the addition of the floating zone requires a property owner of an eligible property to make an application to the BOT for the specific parcel to be included in the floating/overlay zone. If it were a mapped overlay solely, that would not be required – it would be only a site plan application before the PB. That is my understanding but please check with counsel and clarify for the document.

p. 49 – Paragraph 6 - Comment – An Overlay zone can be mapped with specific text providing eligibility criteria and special provisions required for a special permit.

p. 59 – At top of page - Comment - I think that DEC now provides definitions for green infrastructure practices – please be more specific in describing green infrastructure practices.

p. 61 - At end of the section - This may be an area to include the added natural gas moratorium (background information provided to applicant.) Opportunity to discuss renewal energy. This could also go either in the body of the document or in the appendix. *Applicant's attorney has provided a memorandum which discusses this and indicates that it will be included in the revised SDEIS.*

Chapter 3 - Existing Conditions, Potential Impacts and Proposed Mitigation

Soils, Topography (Steep Slopes) and Geology

Applicant has provided a Geothermal Investigation (Whitestone Associates, 2/7/19) with summary of findings. This includes subsurface soil investigations to determine the depth of rock on site. A Steep Slope Narrative has been provided with proposed mitigation measures. A Construction Management Plan has also been provided and discusses mitigation related to construction activities. Rock removal methods are discussed with focus on using tools rather than blasting wherever possible. Final rock removal protocols will be finalized during site plan review. Wetlands report with vegetation and wildlife information has been provided. A Tree Survey has been conducted on the site and compared to the previous 2006 information prepared for the approved site plan for the 60,000-sf commercial office building. Applicant has provided mitigation review for each topic and discussed specific mitigation. Mitigation for soils, topography and slopes also include a discussion of erosion and sediment control.

p. 65 - Village Engineer's comments: the subsurface investigations only address the structural capacity of the soil for the proposed building. Applicant should include a discussion on the viability and long-term use of a potential geothermal system.

Vegetation and Tree Protection

In response to the Scope, photographs from Martling Avenue and a photo-simulation of the proposed building with several perspectives from Martling Avenue have been provided.

p. 80 – add tree protection plans in addition to proposed tree replacement plans with final review by Tree Commission and Village Landscape Consultant for site plan review.

Stormwater Management

Insite Engineering has provided an updated SWPPP dated January 30, 2019 as well as the pre- and post-development drainage plans are included in the Appendix.

p. 81 – Village Engineer's comments – Describe the existing micropool and its inherent issues experienced with the standing water. This is similar to Village Engineer's earlier comment on p.22 under G. Stormwater Management. Please add the intended design storm event for 100 year.

p. 82 - Village Engineer's comment – Applicant should include a description of the

types of green infrastructure practices to be utilized.

Traffic Impact Study

A comprehensive traffic study was prepared by Kimley-Horn of New York, P.C. to document the potential traffic impacts associated with the proposed redevelopment of the property. Comparisons were made for am and pm peak hour traffic, daily traffic trips and Saturday daily and peak hour trips. The proposed action is documented as generating significantly lower trip generation than the other alternatives studied. The New New Bridge study also discusses the Complete Streets Plan and proposed biking and pedestrian improvements.

The study has addressed the information requested in the final scope. Please note the Village Engineer's comments on p. 22 regarding traffic impacts.

Infrastructure and Utilities

Insite Engineering has provided a Water Engineering Report as well as a Wastewater Engineering Report dated January 30, 2019. Insite has provided sewage flows and daily water flow rate for project's s one-bedroom apartments and daily employees on site. These data have been provided to the Village Engineer for review. He will need to confirm this information with the Village engineering consultants, Woodward & Curran. The applicant has referred to the Westchester County GML letter regarding sewage flow and potential mitigations.

p. 90 – Village Engineer's comments – Applicant describes the two "practices" utilized for determining the maximum daily water demand flow. These practices are not codified. Any new construction will require compliance with the International Plumbing Code, therefore, Applicant should describe compliance with Table 604.3 of IRC2015 as previously provided in the January 4, 2019 email to Applicant's Engineer (Insite Engineering).

The Applicant indicated that no detailed engineering will be undertaken to determine the preferred option on Martling Avenue until the necessary zoning amendment has been adopted by the Village Board of Trustees, the SEQRA process is closed with a Findings Statement, and the proposed project moves forward into the Site Plan Approval process.

p. 91 – Village Engineer’s comments: Second paragraph; “which, coincidentally, will address water main upgrades”. The statement does not identify the issues and is without basis. This statement is conclusory and should be deleted. Additionally, Applicant states in the last sentence of this second paragraph that the “infrastructure project is scheduled to continue well into the future”? Applicant does not have knowledge of future Village budgets. This statement is conclusory and should be deleted.

p. 91 – Village Engineer’s comments: Last paragraph; “the Applicant is confident that the work already planned will support the water needs of this proposed project”. This statement is conclusory and should be deleted.

If the actual cost exceeds the allocated funds for this project, a delay or elimination of this work can be anticipated. Applicant should discuss other alternatives for this potential situation.

p. 92 – Village Engineer’s comments: Second paragraph, expand last sentence “Village is currently undertaking improvements to include the Marling Avenue water main” to include that the Village is currently seeking approval from WCDOH.

p.92 – Village Engineer’s comment: Last sentence. Add “to maintain the existing needs.”

p. 94 – Village Engineer’s Comment: Top of the Page - The reference to “poor condition” was not stated in the Village Engineer’s July 13, 2018 memorandum. Reference to poor condition should be deleted.

p. 94 – Village Engineer’s comments: Delete last sentence. This statement is conclusory and should be deleted. The existing capacity and condition of the sanitary sewer on Martling Avenue is adequate for its current needs. The Village is not obligated to modify the system to accommodate flows from the proposed project. The Applicant may seek alternate routes provided the appropriate investigations and physical monitoring are performed.

Community Facilities

p. 94 – At bottom of first paragraph on p. 94, refer to and address the Greenburgh letter dated 7/5/18 found in L – Appendix.

p. 102 – At bottom of the first paragraph on p. 102, Table 9-02 does not appear to be included in this section. Tables 9-01 and 9-09 and 9-10 are included in this section. All the tables are in K – Appendix. However, Table 9-01 is not included in the Appendix. In reference to the last paragraph on this page, I don't see the numbers discussed in the tables – this paragraph should refer to a table and verify the numbers. (i.e. \$101,748)

p. 103 - Clarify – “single, first, year” Do you mean annual first full year?

New Tables 9-09 have been provided for current and projected taxes in the No Action Alternative over a 30-year period. New Table 10 has been provided for comparison of total taxes projected over 30-year period for No Action alternative compared to proposed action.

Construction Impacts

p. 107 - estimate number of trucks to be used on a weekly basis and provide hours of operation for construction activity on site.

Chapter 4 – Adverse Environmental Impacts that Cannot Be Avoided

No Comments

Chapter 5 - Alternatives

There were four alternatives specified in the Scope. The DSEIS has provided three alternatives and are compared to the Proposed Project in the tables in the Appendix. In the process of attempting to create four alternate site plans, Applicant's engineers discovered that one of the proposed alternates, a Medical Office Building of 60,000 Square Feet, with required parking spaces for 300 cars, would not, under any circumstances, fit on the site. That alternate was eliminated, leaving the remaining three alternatives identified in the Scope.

The Scope requested a commercial office bldg. of 60,000 sf (subject of a previously approved site plan). Explain why 54,000 sf commercial office bldg. was selected instead of 60,000 sf. *This has been discussed in Applicant's memorandum and will be included in the revised SDEIS.*

The No Action Alternative is only mentioned on page 20 in Chapter 3. This is the only statement regarding the No Action Alternative in the DSEIS. The No Action alternative must always be discussed to provide a baseline for evaluation of impacts and comparisons of other impacts. The substance of the No Action discussion should be a description of the likely circumstances at the project site if the project does not proceed. (SEQRA Handbook C – 32). The Applicant explains that the prior Applicant, Crescent Associates, has abandoned their site plan approval for the 60,000-sf commercial office building. Therefore, this action cannot be represented as a No Action Alternative. *This has been discussed by the Applicant in a memorandum dated 3/8/2019. An enhanced review including the comparison to the No Action alternative will be included in the revised SDEIS.*

Impervious coverage should be included in the tabular comparisons of the alternative actions including the No Action alternative and the proposed project.