

Village of Briarcliff Manor
Westchester County, NY

**LOCAL LAW AMENDING THE VILLAGE OF
BRIARCLIFF MANOR ZONING CODE**

**SEQR LONG ENVIRONMENTAL ASSESSMENT FORM
– APPENDIX TO PART 3**

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PART 3, FULL ENVIRONMENTAL ASSESSMENT FORM, APPENDIX

1.0 INTRODUCTION

In June 2007, the Village of Briarcliff Manor's Planning Consultant, BFJ Planning, submitted a Full Environmental Assessment Form, including Parts 1, 2, and 3, to the Village Board of Trustees to evaluate the potential for environmental impacts to be created by the approval of the amendments to the Village Zoning Code by the Board.

While no significant impacts were identified in Parts 1 or 2 of the Full EAF, the Village Board decided to use Part 3 of the Full EAF to summarize and discuss the proposed revisions to the Zoning Code. This Appendix of August 2007 to Part 3 of the Full EAF is intended to respond to comments made during the public hearing for the amendments.

2.0 PROPOSED ZONING CODE REVISIONS

2.1 Planning Background

The proposed amendments to the Village Code of Briarcliff Manor represent the culmination of a series of zoning revisions intended to prevent significant adverse environmental impacts, in particular impervious surfaces. In 1999, the Village Board adopted interim changes to the Zoning Code. These code revisions were intended to serve as a stopgap measure of preventing significant adverse effects in the Village while a more comprehensive revision of the code could be considered and adopted. In 2003, the Village Board adopted such comprehensive revisions to the Zoning Code, resulting in the replacement of maximum lot coverage restrictions with the provision of maximum gross floor area requirements regulating development within residentially zoned properties.

However, the removal of the lot coverage limits allowed new houses with larger footprints, thereby increasing the potential amount of impervious surfaces on lots throughout the village. The Village Board is proposing amendments to the Zoning Code to restore lot coverage restrictions, modify setbacks, to grant more flexibility in the siting of new and expanded structures, and to clarify certain language. The proposed changes will be made to Schedule 220:A5, "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings" of the Zoning Code and will restore development coverage as a tool to control bulk, rather than relying solely on height restrictions, setbacks and gross floor area.

2.2 Summary and Analysis of Zoning Code Revisions

The proposed revisions to the Zoning Code can generally be grouped into three categories: lot coverage restrictions, provisions granting more flexibility in the siting of new and expanded structures, and changes to the regulatory language.

- The most significant revision is the adding back of maximum lot coverage provisions to the code, which is summarized and compared with the current and previous laws in

Table 1, below. This change will return to the code a development restriction that had been the prevailing method of controlling for the bulk of dwellings, and the resulting impervious surfaces. The proposed maximum lot coverage provisions will result in significantly less permitted lot coverage than existed prior to 1999. As Table 1 indicates, in nearly all cases, the proposed lot coverage restriction will result in substantial reductions – ranging from 25 percent to 48 percent – in lot square footage that may be occupied by a building. The exception is the RT4B (Residential Townhouses) District, which is not comparable with the other single-family residential zoning districts, as it was created much later and for a different purpose (to encourage “housing of relatively moderate cost in appropriate locations”). Also, properties in the RT4B zone are subject to a number of other provisions, such as development density, development bonuses and maximum sales prices, which are not present in the other single-family districts.

Table 1: Lot Coverage Summary

| Lot | Description | Prior to 5/20/99 | | | Current Law | | | Proposed Law | | Change in Max. Lot Coverage SF from Pre-1999 Law |
|------|---------------|---------------------|-----------|--------|---------------------|-----------|-------|--------------------|-------|--|
| | | Max. % Lot Coverage | | SF | Max. % Lot Coverage | | SF | Max % Lot Coverage | SF | |
| Zone | Min. Lot Area | Principal | Accessory | | Principal | Accessory | | | | Principal |
| R60A | 60,000 | 13 | 5 | 10,800 | - | - | - | 11 | 6,600 | -39% |
| R40A | 40,000 | 15 | 5 | 8,000 | - | - | - | 12 | 4,800 | -40% |
| R40B | 40,000 | 15 | 5 | 8,000 | - | - | - | 12 | 4,800 | -40% |
| R30A | 30,000 | 18 | 6 | 7,200 | - | - | - | 13 | 3,900 | -46% |
| R20A | 20,000 | 22 | 7 | 5,800 | - | - | - | 15 | 3,000 | -48% |
| R20B | 20,000 | 22 | 7 | 5,800 | - | - | - | 15 | 3,000 | -48% |
| R12B | 12,000 | 25 | 8 | 3,960 | - | - | - | 18 | 2,160 | -45% |
| R10B | 10,000 | 25 | 8 | 3,300 | - | - | - | 20 | 2,000 | -39% |
| RT4B | 10,890 | 15 | 5 | 2,178 | - | - | - | 23 | 2,505 | +15% |
| R30M | 5,000 | 15 | 5 | 1,000 | 15 | 5 | 1,000 | 15 | 750 | -25% |
| R30M | 12,000 | 25 | 8 | 3,960 | - | - | - | - | - | - |

| Lot Description | | Current Law | | Proposed Law | | |
|-----------------|--------------|---------------------------------------|------------------|------------------|---------------------------------------|---|
| Zone | Min Lot Area | Gross Floor Area (Max Bldg Footprint) | Max Lot Coverage | Gross Floor Area | Max Lot Coverage (Max Bldg Footprint) | Potential Size of Attic (Excluded from GFA) |
| R60A | 60,000 | 6,800 | - | 6,800 | 6,600 | 1,700 |
| R40A | 40,000 | 5,400 | - | 5,400 | 4,400 | 1,350 |
| R40B | 40,000 | 5,400 | - | 5,400 | 4,400 | 1,350 |
| R30A | 30,000 | 4,700 | - | 4,700 | 3,900 | 1,175 |
| R20A | 20,000 | 4,000 | - | 4,000 | 3,000 | 1,000 |
| R20B | 20,000 | 4,000 | - | 4,000 | 3,000 | 1,000 |
| R12B | 12,000 | 3,200 | - | 3,200 | 2,160 | 800 |
| R10B | 10,000 | 3,000 | - | 3,000 | 2,000 | 750 |
| RT4B | 10,890 | 3,089 | - | 3,089 | 2,505 | 772 |
| R30M | 5,000 | 3,000 | - | 3,000 | 750 | 750 |
| R30M | 12,000 | 3,200 | - | 3,200 | - | 800 |

Table 2 presents an analysis of the effect of inclusion of the new lot coverage requirements for a number of properties which were previously analyzed by Frederick P. Clark Associates in June 2003 as part of the analysis conducted for the 2003 Zoning Code revisions. This table was included in Part 3 of the original Full EAF, but contained errors. Specifically, the Maximum Gross Floor Area calculations (in square footage) presented in column seven of the table were incorrect. The corrected table is presented below.

The significant variation in lot conditions in Briarcliff Manor in terms of shape, size and topography – together with ongoing changes in market factors – makes it impossible to speculate with certainty on the long-term impacts of the proposed amendments on all lots within the village. Nonetheless, Table 3 presents an analysis of the effect of inclusion of the new lot coverage requirements for a sample of properties with newly constructed or expanded dwellings. For purposes of the analysis, several properties were determined to be outliers because the characteristics of their lots – in particular the sizes – were not comparable to the rest of the properties in the sample. The properties in Table 3 are intended to be a reasonable sample of properties that are representative of each zoning district.

As both Table 2 and Table 3 illustrate, the effect of adding back in lot coverage restrictions will limit the allowable footprint for new home construction, thus limiting the amount of new impervious surfaces on lots. Except for a few atypical cases of the analyses, the maximum lot coverage is less than the overall maximum allowable GFA, meaning that to maximize the allowable GFA, the area would need to be distributed on more than one floor. No changes to height limits are proposed.

- The second group of revisions provides a greater measure of flexibility in the siting of newly constructed dwellings or certain additions to existing homes. First, uniform minimum yard dimensions will be added for each zoning district for lots with buildings having greater than 3,500 square feet of gross floor area. These uniform minimum setbacks replace the previous ratio method of calculating setbacks for these dwellings, and are intended to eliminate confusion. Decreasing the minimum yard setbacks for these lots will allow for the possibility of houses being built closer together, which may have an aesthetic effect, but this is not a significant environmental impact, especially when considered with the flexibility the reduced setbacks will allow. The setbacks will continue to be significant, but will provide for more flexible (i.e. larger) building envelopes, allowing new dwellings to be sited more appropriately to avoid environmental features such as wetlands, slopes and other unique elements, and to the extent that houses are, in fact, built closer together, the setbacks may result in increased contiguous open areas, which will diminish any appearance of the village being overdeveloped. The actual building coverage cannot spread out, as it is now controlled by the maximum lot coverage previously described.

**Table 2: Effect of Inclusion of Maximum Percent of Lot Occupied by Buildings
Village of Briarcliff Manor**

| Dwelling Location ¹ | Zoning District | Lot Area (SF) | As Built | Current Zoning Code (2003) | | Proposed Code Revisions | | |
|--------------------------------|-----------------|---------------|-----------------------|-------------------------------|----------------------|-------------------------------|--|---------------------------|
| | | | Gross Floor Area (SF) | Maximum Gross Floor Area (SF) | Maximum Lot Coverage | Maximum Gross Floor Area (SF) | Maximum % of Lot Occupied by Buildings | Maximum Lot Coverage (SF) |
| 63 Hollow Tree Road | R40B | 51,354 | 5,390 | 6,195 | - | 6,195 | 12 | 6,162 |
| 0011 Hollow Tree Road | R40B | 40,075 | 6,702 | 5,405 | - | 5,405 | 12 | 4,809 |
| 0032 Simpson Road | R10B | 11,761 | 4,650 | 3,176 | - | 3,176 | 20 | 2,352 |
| 0265 Long Hill Road | R40B | 29,403 | 4,618 | 4,658 | - | 4,658 | 12 | 3,528 |
| 0840 Long Hill Road | R40A | 43,603 | 5,145 | 5,652 | - | 5,652 | 12 | 5,232 |
| 0165 Hirst Road | R40B | 40,001 | 8,521 | 5,400 | - | 5,400 | 12 | 4,800 |
| 0027 Hidden Oak Road | R40B | 52,272 | 9,160 | 6,259 | - | 6,259 | 12 | 6,273 |
| 0189 Hirst Road | R40B | 40,003 | 8,251 | 5,400 | - | 5,400 | 12 | 4,800 |
| 0045 Shell Bark | R40A | 43,995 | 7,118 | 5,680 | - | 5,680 | 12 | 5,279 |

Notes:

1. The properties used in this analysis were previously analyzed by Frederick P. Clark Associates in June 2003 as part of the 2003 Revisions to the Zoning Code.

Table 3: Effect of Inclusion of Maximum Percent of Lot Occupied by Buildings

Village of Briarcliff Manor

| Dwelling Location | Zoning District | Minimum Lot Size (SF) | Lot Area (SF) | As Built | Current Zoning Code (2003) | | Proposed Code Revisions | | |
|----------------------------|-----------------|-----------------------|---------------|-----------------------|-------------------------------|----------------------|-------------------------------|--|---------------------------|
| | | | | Gross Floor Area (SF) | Maximum Gross Floor Area (SF) | Maximum Lot Coverage | Maximum Gross Floor Area (SF) | Maximum % of Lot Occupied by Buildings | Maximum Lot Coverage (SF) |
| 33 Pudy Court | R60A | 60,000 | 63,636 | 3,890 | 7,055 | - | 7,055 | 11 | 6,700 |
| 8 Sleepy Hollow Road | R60A | 60,000 | 29,466 | 3,085 | 4,663 | - | 4,663 | 11 | 3,241 |
| 107 Aspinwall Road | R40B | 40,000 | 48,836 | 5,972 | 6,019 | - | 6,019 | 12 | 5,860 |
| 2 Chestnut Hill Lane | R40B | 40,000 | 40,075 | 4,792 | 5,405 | - | 5,405 | 12 | 4,809 |
| 417 Long Hill Road East | R40B | 40,000 | 43,560 | 5,233 | 5,649 | - | 5,649 | 12 | 5,227 |
| 9 Austin Place | R40B | 40,000 | 43,854 | 5,657 | 5,670 | - | 5,670 | 12 | 5,262 |
| 66 Linden Circle | R30A | 30,000 | 34,848 | 4,368 | 5,039 | - | 5,039 | 13 | 4,530 |
| 11 Country Club Lane North | R20A | 20,000 | 23,958 | 4,288 | 4,277 | - | 4,277 | 15 | 3,594 |
| 17 Fuller Road | R20B | 20,000 | 23,610 | 2,836 | 4,253 | - | 4,253 | 15 | 3,542 |
| 54 Whitson Road | R20B | 20,000 | 23,240 | 3,573 | 4,227 | - | 4,227 | 15 | 3,486 |
| 347 River Road | R20A | 20,000 | 31,972 | N/A | 4,838 | - | 4,838 | 15 | 4,796 |
| 114 Hazelton Circle | R12B | 12,000 | 13,700 | 2,361 | 3,370 | - | 3,370 | 18 | 2,466 |
| 126 Hazelton Circle | R12B | 12,000 | 13,504 | 1,859 | 3,350 | - | 3,350 | 18 | 2,431 |
| 81 Poplar Road | R12A | 12,000 | 18,077 | 2,988 | 3,808 | - | 3,808 | 18 | 3,254 |
| 22 Valentine Road | R10B | 10,000 | 15,934 | 3,284 | 3,593 | - | 3,593 | 20 | 3,187 |
| 36 Maple Road | R10A | 10,000 | 11,250 | 2,890 | 3,125 | - | 3,125 | 20 | 2,250 |

Similarly, the proposed amendments will allow owners of existing homes with a GFA less than or equal to 3,500 square feet to complete a one-time expansion of up to 500 square feet along the current building line (if this line is located at the minimum required setback) without having to apply for a variance even if the addition will raise the building's GFA to more than 3,500 square feet. The maximum GFA remains the same as under the current laws. Again, this provision provides greater flexibility in placement to homeowners who wish to expand their houses, allowing them to avoid sensitive environmental features. Finally, the proposed revisions would allow properties with 15 percent slope across the building footprint to have only 50 percent of the basement area included in the GFA calculation for a required increased setback in the direction of the downhill slope. This provision will result in somewhat reduced setbacks, which, like uniform minimum setbacks, will allow for a more flexible building envelope, for greater avoidance of environmental features.

Table 4, below, presents a comparison of the proposed decreased yard setbacks to the existing setbacks for dwellings greater than 3,500 square feet for the same properties analyzed in Table 3. As illustrated by the last column of the table, the yard setbacks will mostly decrease when compared with the setbacks required by the current Zoning Code. However, while the yard setbacks will decrease, the result is a larger building envelope, not a larger dwelling. Neither the revised minimum setbacks, nor the change for sloped properties in the calculation of GFA for setback purposes, will result in larger dwellings. The proposed uniform setbacks will allow for the siting of structures to avoid significant features such as wetlands, slopes and other unique or attractive elements.

- The final group of proposed revisions to the Zoning Code concerns changes to the regulatory language. Several of these changes, such as a new definition of story, are administrative in nature, intended to eliminate confusion or resolve a particular issue. Other significant revisions change what portions of dwellings are included in the GFA calculation. Attics and unenclosed patios will not be included in the calculation, nor will decks up to a certain size (based on a sliding scale relative to zoning district). However, a definition of enclosed porch or enclosed breezeway will be added to the code, to make these areas' inclusion in GFA calculations explicit. As Table 1 shows, these changes may result in somewhat larger potential gross floor area, primarily due to the exclusion of attics from the calculation. However, newly constructed or expanded dwellings will still be subject to the proposed maximum lot coverage provisions, as well as the existing building height limits. In addition, the inclusion of enclosed porches and breezeways in GFA will lessen the potential for larger structures to some extent. Finally, the last change to regulatory language, the addition of the Mandatory Tree Planting Plan (MTPP), will provide for greater vegetative screening, to shield the visual impact of larger homes from the street and neighbors. This plan, which will be mandatory for lots with buildings of greater than 3,500 square feet of GFA, will also ensure that the new trees are of sufficient size and quality to provide effective buffers while complementing existing vegetation, terrain and other physical features of the lot.

Table 4: Comparison of Proposed Decreased Rear and Side Yard Setbacks and Existing Setbacks for Dwellings Greater than 3,500 Square Feet

Village of Briarcliff Manor

| Dwelling Location | Zoning District | Lot Area (SF) | Gross Floor Area (SF) | Existing As Built Setback | | | Current Zoning Code (2003) | | | | | | Proposed Code Revisions | | | | | |
|----------------------------|-----------------|---------------|-----------------------|---------------------------|-------------|-------------|--------------------------------------|-------------|-------------|---|-------------|-------------|-------------------------|-------------|-------------|--|-------------|-------------|
| | | | | | | | Minimum Required Setback (<3,500 SF) | | | Required Minimum Setback ¹ (>3,500 SF) | | | Minimum Setbacks | | | Difference Between Existing and Proposed Setbacks ² | | |
| | | | | Front (Feet) | Side (Feet) | Rear (Feet) | Front (Feet) | Side (Feet) | Rear (Feet) | Front (Feet) | Side (Feet) | Rear (Feet) | Front (Feet) | Side (Feet) | Rear (Feet) | Front (Feet) | Side (Feet) | Rear (Feet) |
| 33 Pudy Court | R60A | 63,636 | 3,890 | 51 | 32 | 125 | 40 | 25 | 40 | 44 | 28 | 44 | 65 | 40 | 60 | 21 | 12 | 16 |
| 8 Sleepy Hollow Road | R60A | 29,466 | 3,085 | 39* | 6* | 170 | 40 | 25 | 40 | - | - | - | 65 | 40 | 60 | - | - | - |
| 107 Aspinwall Road | R40B | 48,836 | 5,972 | 68 | 38 | 60 | 40 | 22 | 35 | 68 | 38 | 60 | 55 | 30 | 45 | 13 | 8 | 15 |
| 2 Chestnut Hill Lane | R40B | 40,075 | 4,792 | 47* | 46 | N/A | 40 | 22 | 35 | 55 | 30 | 48 | 55 | 30 | 45 | 0 | 0 | 3 |
| 417 Long Hill Road East | R40B | 43,560 | 5,233 | 61 | 5* | 93 | 40 | 22 | 35 | 60 | 33 | 52 | 55 | 30 | 45 | 5 | 3 | 7 |
| 9 Austin Place | R40B | 43,854 | 5,657 | 65 | 36 | 57 | 40 | 22 | 35 | 65 | 36 | 57 | 55 | 30 | 45 | 10 | 6 | 12 |
| 66 Linden Circle | R30A | 34,848 | 4,368 | 45* | 71 | 47 | 40 | 20 | 35 | 50 | 25 | 44 | 50 | 25 | 40 | 0 | 0 | 4 |
| 11 Country Club Lane North | R20A | 23,958 | 4,288 | 43* | 25 | 41 | 40 | 18 | 30 | 49 | 22 | 37 | 45 | 20 | 35 | 4 | 2 | 2 |
| 17 Fuller Road | R20B | 23,610 | 2,836 | 30 | 38 | 80 | 40 | 18 | 30 | - | - | - | 45 | 20 | 35 | - | - | - |
| 54 Whitson Road | R20B | 23,240 | 3,573 | 40* | 19 | 114 | 40 | 18 | 30 | 41 | 18 | 31 | 45 | 20 | 35 | 4 | 2 | 4 |
| 347 River Road | R20A | 31,972 | N/A | 53 | 52 | 31 | 40 | 18 | 30 | N/A | N/A | N/A | 45 | 20 | 35 | N/A | N/A | N/A |
| 114 Hazelton Circle | R12B | 22,373 | 2,361 | 41 | 16* | 70 | 40 | 16 | 30 | - | - | - | 40 | 18 | 32 | - | - | - |
| 126 Hazelton Circle | R12B | 13,504 | 1,859 | 40 | 15* | 61 | 40 | 16 | 30 | - | - | - | 40 | 18 | 32 | - | - | - |
| 81 Poplar Road | R12A | 6,098 | 2,988 | 65 | 18 | 106 | 40 | 16 | 30 | - | - | - | 40 | 18 | 32 | - | - | - |
| 22 Valentine Road | R10B | 15,934 | 3,284 | 56 | N/A | 65 | 40 | 12 | 30 | - | - | - | 40 | 14 | 32 | - | - | - |
| 36 Maple Road | R10A | 11,250 | 2,890 | 42 | 20 | 56 | 40 | 12 | 30 | - | - | - | 40 | 14 | 32 | - | - | - |

Notes:

1. The proposed change to Side and Rear Setbacks apply to dwellings greater than 3,500 square feet. There is no change to dwellings smaller than 3,500 square feet.
2. Numbers in red indicate a decrease in the required setbacks, while numbers in blue indicate an increase in the required setbacks.

* Existing non-conforming.

The proposed revisions to the Zoning Code are consistent with both the current (1988) Master Plan of Briarcliff Manor and the draft 2007 Master Plan update. The 1988 Plan recommended that development should be tailored to a site's natural features, and that sensitive environmental areas should be preserved, with development directed to more suitable areas. Meanwhile, one of the visions of the draft 2007 Plan is to "Provide stewardship over the Village's unique setting along the Hudson with its slopes, wetlands, views, trees and semi-rural environment." The proposed lot coverage restrictions will limit the potential building footprint for new home construction, which will reduce the amount of new impervious surfaces on lots, decrease the potential for the removal or destruction of significant amounts of vegetation and limit potential adverse impacts on natural resources. Further, the revised minimum yard setbacks – together with the one-time 500-square-foot expansion and the amendment concerning sloped properties – will provide greater flexibility in the siting of newly constructed or expanded dwellings, so that environmentally sensitive areas can be avoided.

In summary, the combination of proposed revisions to the Zoning Code is intended to provide a reasonable balance to various interests. Lots will have their maximum coverage restricted, but will have more flexibility in locating a new house on the lot. With the one-time 500-square-foot provision, the placement of the addition on the lot gains flexibility as a variance will not be needed. Attics, patios and decks up to a certain size will not be counted in GFA calculations, but enclosed porches and breezeways will. Larger houses (more than 3,500 square feet) are allowed, but will be screened with more trees, to shield the visual impact from the street and neighbors. While there may be some impacts to the architectural, aesthetic or visual resources in the village, both the June EAF and this appendix have determined that these impacts are not significant, and are incidental to the overall environmental effect of reducing impervious surfaces within Briarcliff Manor.

2.3 Criteria for Determination of Significance

The adoption of the bulk law amendments is an Unlisted Action under SEQRA. As such, there is no pre-assumption that an EIS is needed. Nonetheless, a comparison is required for an adequate Determination of Significance: potential adverse impacts that can reasonably be expected must be compared against the following criteria listed in Part 617.7 (c) of the implementing regulations pertaining to Article 7 (State Environmental Quality Review Act) of the Environmental Conservation Law:

- 1. A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in the potential for erosion, flooding, leaching or drainage problems.*

The proposed amendments to the Village Code will be made to Schedule 220:A5, "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings" of the Zoning Code. The amendments will not change any underlying zoning classifications, nor will they result in any increases in density or population. As such, there will be no significant impacts to existing air quality, traffic or noise levels or solid waste production.

As described in the June 2007 Environmental Assessment Form for the action, the lot coverage restrictions in the proposed amendments will limit the allowable footprint for new home construction, thereby limiting the amount of new impervious surfaces on lots. This reduction in impervious surfaces is expected to have a positive impact on stormwater runoff, which would result in further positive impacts to ground and surface water quality and quantity, and will reduce the potential for erosion, flooding, leaching or drainage problems.

2. *The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.*

Because the proposed lot coverage restrictions will limit the allowable footprint for new home construction, they will reduce the potential for the removal or destruction of significant quantities of vegetation. This, in turn, will decrease the potential for any adverse impacts on habitat areas, threatened or endangered species or other natural resources.

Further, the revised minimum yard setbacks, while decreasing overall and thereby resulting in a larger building envelope, will provide greater flexibility to site structures greater than 3,500 square feet. By allowing a more flexible building envelope, new dwellings will be able to be sited so as to avoid potential environmental features, such as wetlands, steep slopes, trees, etc. This site flexibility will provide more potential protection to existing habitats.

Finally, the proposed Mandatory Tree Planting Plan (MTPP) for buildings exceeding 3,500 square feet will result a greater amount of potential vegetation than exists under the current laws. The Plan will also ensure that the planted trees will be of a specified size and quality, thus resulting in significant vegetative buffers that complement the existing vegetation, terrain and other physical features of the lot.

3. *The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g).*

Certain properties affected by the proposed amendments are contiguous to the Critical Environmental Areas of the Hudson River and Pocantico Lake. However, the amendments are not expected to have any significant impacts on these areas. Insofar as these classifications as CEAs relate to water quality, a potential increase in bulk should not, in and of itself, affect the water quality so long as development coverage limitations are in place. In fact, as discussed above, they are likely to result in positive impacts to stormwater runoff, which further benefit ground and surface water quality and quantity, and will reduce the potential for erosion, flooding, or other drainage problems. The areas of environmental concern held by the Village trustees – hillside construction, tree loss, impervious coverage – are the focus of the proposed amendments.

4. *The creation of a material conflict with a community's current plans or goals as officially approved or adopted.*

The Village of Briarcliff Manor 1988 Master Plan emphasized, among other areas, the preservation of open space and the conservation of natural resources. Specifically, the plan recommended, as part of its open space preservation goal, that "the type of development proposed on a site should be tailored to the natural features of the site" (page 60). In addition, as part of its maintenance of environmental quality goal, the plan recommended that "sensitive and environmentally fragile areas should be preserved and development directed to those areas which are more suited for it" (page 61).

The proposed code amendments are intended to provide for greater protection of environmental resources. The lot coverage restrictions will limit the potential building footprint for new home construction, which will limit the amount of new impervious surfaces on lots; reduce the potential for the removal or destruction of significant quantities of vegetation; and decrease the potential for adverse impacts on habitat areas, threatened or endangered species or other natural resources. In addition, the uniform minimum yard setbacks will provide greater flexibility in the siting of newly constructed dwellings, so that environmentally sensitive areas and attractive or unique features can be avoided. Likewise, the proposed amendment allowing homeowners of existing homes less than or equal to 3,500 square feet to expand by up to 500 square feet along the building line will provide more flexibility to avoid sensitive areas, as will the proposed amendment regarding sloped properties. Each of these proposed amendments, therefore, complies with the goals and recommendations of the current master plan.

The Village of Briarcliff Manor is in the process of updating its master plan. A draft plan has been underway for nearly two years and is expected to be adopted in late 2007. Elected officials are permitted to continue improving development regulations, in the absence of a current plan or while a plan update is in effect. The draft plan states a multi-faceted vision for the village. One of the facets states, "Provide stewardship over the Village's unique setting along the Hudson with its slopes, wetlands, views, trees and semi-rural environment." This draft plan vision, therefore, provides general support for the detailed resolution of improved development regulations aimed at permitting responsible residential development. The proposed code amendments fulfill this goal.

5. *The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.*

The analyses conducted for the June 2007 EAF and for the August 2007 Appendix to the EAF found that, except for a few atypical cases, the effect of the proposed maximum lot coverage is less than the maximum allowed gross floor area. Thus, if one were to maximize GFA, it would most likely result in a smaller-footprint two-story house, rather than a larger-footprint single-story house. This could potentially result in some impacts to the architectural, aesthetic or visual resources in the village, but such impacts would be small. In fact, anecdotal observations and

comments and submissions at the public hearing indicate that two-story construction is the norm in Briarcliff Manor, meaning that the proposed maximum lot coverage provision would not change architectural trends in the village. Additionally, the exclusion of decks and attics from the calculation of gross floor area could result in the construction of somewhat larger structures than would be possible under the current laws, which include these factors in the calculation. However, newly constructed buildings would still be subject to the proposed lot coverage restrictions, as well as to the existing restrictions on building heights. Also, the proposed amendments will include enclosed porches and breezeways in the GFA calculation. Similarly, reductions in setbacks may allow for houses to be built closer together, but setbacks will remain significant, and the larger building envelope will facilitate the avoidance of significant environmental features. Finally, the proposed Mandatory Tree Planting Program (MTPP) will require houses greater than 3,500 square feet to screen their lots, to mitigate the view into the lot from the street and adjoining lots. This plan will result in a greater amount of potential vegetation than under the existing laws, and would ensure that the planted trees will be of sufficient size and quality to effectively buffer the structure in a manner that complements existing vegetation, terrain and other physical features. In summary, these potential aesthetic impacts are not expected to be significant, and in many cases will be mitigated by the MTPP, and all of the impacts are incidental to the overall environmental goal of reducing impervious surfaces within Briarcliff Manor.

6. A major change in the use of either the quantity or type of energy.

The proposed code amendments will not result in a change in the quantity or type of energy.

7. The creation of a hazard to human health.

The proposed code amendments will not result in any hazard to human health.

8. A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The proposed code amendments will not result in any change in the use or intensity of use of lands. The amendments will not change any underlying zoning classifications, nor will they result in any increases in density or population.

9. The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The proposed code amendments will not result in the attraction of large numbers of people.

10. The creation of a material demand for other actions that would result in one of the above consequences.

The proposed code amendments will not create a material demand for other actions.

- 11. Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.*

The proposed code amendments will not result in any adverse impacts to the environment. In fact, as discussed above, they are expected to reduce potential impervious surfaces, with resulting positive impacts for stormwater runoff and erosion. The decreased side and rear setbacks; allowance of 500-square-foot expansions at the current building line for houses less than or equal to 3,500 square feet; and revised GFA treatment for sloped properties, will provide greater flexibility in the siting of either new construction (in the case of the setbacks and sloped properties provisions) or structural additions (in the case of the 500-square-foot expansions). This flexibility will allow buildings to be sited so as to avoid sensitive environmental areas, providing greater protection to natural resources within the village.

- 12. Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria above.*

There are no related actions to the proposed code amendments being undertaken, funded or approved by an agency. Therefore, there are no potential cumulative impacts that would meet any criteria discussed above.