



Director of Planning

Jesica C. Youngblood

Planning Board Secretary

Shea A. Allen

Wetlands Commission Secretary

Gina Gavigan

Planning Board

Deirdre Courtney-Batson, Chair

Diane Lewis, Vice Chair

Jared Antin

Michael G. Tierney

Nilus Klingel

October 13, 2023

To: Town of Bedford Town Board
From: Town of Bedford Planning Board
Re: McLain Street Zoning Petition

Dear Bedford Town Board:

At the October 12, 2023 meeting, the Bedford Planning Board (the "Board") continued its review of the zoning petition for 12 McLain Street submitted by Benzi & Goodrich Development Group (the "Applicant") to permit four (4) affordable ownership units with onsite parking and landscaping for the undeveloped vacant site (the "Project").

Upon your request, the Planning Board undertook the required "hard look" pursuant to the New York State Environmental Quality Review Act ("SEQRA") standards in determining any potential impacts resulting from the Project, and assessed all information placed before the Board and on the record, including the submission of the Applicant's Full Environmental Assessment Form (the "EAF"). After review of the topical prompts of the Part 2 Full EAF, the Board found that no significant adverse impacts would result from the Project and adopted a Negative Declaration and Part 3 Full EAF pursuant to SEQRA. The full Negative Declaration is attached hereto.

The Town Board may now consider setting a public hearing on the zoning petition and request the Town Clerk to advertise and publish the hearing in accordance with Town Law.

In closing, the Planning Board reports to the Town Board that if the zoning petitions is approved, this development would provide a positive impact for Bedford by adding to the town's housing stock.

Please do not hesitate to contact the Planning Department if you need any further information. We look forward to continuing reviewing this project.

Thank you,

Jesica Youngblood, Director of Planning

Deirdre Courtney-Batson, Planning Board Chair

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

This Negative Declaration is decided upon based on all submitted materials and documents, public comments, consultant expertise, and all other documents placed before it on the record. For the reasons enumerated below, the Town of Bedford Planning Board finds that there is no significant adverse impact from the Proposed Action.¹

Note: The 'Project Site' refers to 12 McLain Street.

The 'development' refers to the four multi-family units proposed to be styled as townhomes with onsite landscaping and parking.

1. Impact to Land – Checked 'No'; justification provided below

- a. The proposed action may involve construction on land where depth to water table is less than 3 feet.
Range of depth is approximately 7 ft. Construction activity will occur above the water table. The Project will not impact depth of groundwater once construction is completed.
- b. The proposed action may involve construction on slopes of 15% or greater.
The majority of on-site grades are less than 15% and therefore are non impactful.
- c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.
There is no exposed bedrock.
- d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.
No removal of natural material exceeding 1,000 tons is anticipated.
- e. The proposed action may involve construction that continues for more than one year or in multiple phases.
The proposed action is anticipated to take approximately 12 months and will not occur in multiple phases. The units are anticipated to be modular in design and therefore reduce temporary construction impacts as it's manufactured and assembled (in part) offsite.
- f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

¹ The "Proposed Action" includes the rezoning of the Subject Parcel from the Residence Two-Acre Zoning District to the Multi-family Residence Zoning District as well as the development of four multi family units styled in a townhome configuration with on-site parking and landscaping.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

The Proposed Action will not use any herbicide treatment and will not greatly physically disturb or alter the site in a negatively impactful way with respect to increased erosion. All construction activity will maintain proper construction erosions and sedimentation control features. Further, the total amount of disturbance is less than 1 acre.

- g. The proposed action is, or may be, located within a Coastal Erosion hazard area.
No, the Proposed Action is not in a Coastal Erosion Hazard Area.

For the reasons enumerated above, the Planning Board finds that there will be no significant adverse impact on land.

2. Impact On Geologic Features - Checked 'No'; justification provided below

There are no geologic features on-site, and therefore, no impacts to geologic features.

3. Impacts on Surface Water - Checked 'No'; justification provided below

There are no on-site surface water features. Further, the Proposed Action has specifically sited the development outside of the regulated 100-ft wetland/wetland buffer. Lastly, much of the on-site vegetation is intended to remain with additional native/non-invasive species to be planted.

4. Impact on Ground Water - Checked 'Yes' but concluded all potential impacts will be mitigated; justification provided below.

- a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.
The Proposed Action will re-use the existing private water well with a demand rate of 1,100 gallons per day. Before operational, the Westchester County Dept. of Health must approve for use.
- b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.
No.
- c. The proposed action may allow or result in residential uses in areas without water and sewer services.
Yes, the Proposed Action will result in a new, established residential use without sewer services. A majority of the town does neither have sewer nor public water. The Project Site contains a private well for potable water and will install an on-site septic system. For these reasons, the Planning Board finds no significant environmental impacts will occur.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

- d. The proposed action may include or require wastewater discharged to groundwater.
Yes, the Proposed Action will discharge wastewater to groundwater. The discharge of treated wastewater, however, is part of a well-designed system that will be installed on-site. It must be approved by outside agencies prior to activation as a regulated activity. For these reasons, the Planning Board finds no significant environmental impacts will occur.
- e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.
No.
- f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.
No.
- g. The proposed action may involve the commercial application of pesticides within 100feet of potable drinking water or irrigation sources.
No pesticide or herbicide applications are permitted in the Town of Bedford CEA Zone.
For the reasons enumerated above, the Planning Board finds that there will be no significant adverse impact on ground water.

5. Impact on Flooding - Checked 'No'; justification provided below

The Project Site contains a very small sliver within the 100-year flood zone. However, the site is graded in a downslope from the north to the south. There is no anticipated negative impact with respect to flooding.

6. Impacts on Air - Checked 'No'; justification provided below

The Proposed Action will not include a state regulated air emission source and will not impact air.

7. Impact on Plants and Animals - Checked 'Yes' but concluded all potential impacts will be mitigated; justification provided below.

- a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.
There are no populations of threatened or endangered species onsite.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

- b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

There are no populations of threatened or endangered species onsite.

- c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.

There are no populations of threatened or endangered species onsite.

- d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.

There are no populations of threatened or endangered species onsite.

For the reasons enumerated above, the Planning Board finds that there will be no significant adverse impact to plants or animals.

8. Impact on Agricultural Resources - Checked 'No'; justification provided below

There are no agricultural resources impact by the Propose Action and the Proposed Action will not impact agricultural resources.

9. Impact on Aesthetic Resources - Checked 'No'; justification provided below

As confirmed by the New York State Office of Parks, Recreation and Historic Preservation letter dated July 6, 2023, there are no officially designated scenic areas include scenic byways, scenic roads, scenic areas of statewide significance, scenic trails, and scenic rivers on the Project Site. Therefore, the Planning Board finds that there will be no significant adverse impact to aesthetic resources.

10. Impact on Historic & Archaeological Resources - Checked 'No'; justification provided below

As confirmed by the New York State Office of Parks, Recreation and Historic Preservation letter dated July 6, 2023, there are no officially designated historic or archaeological resources that could be affected by the Project. Therefore, the Planning Board finds that there will be no significant adverse impact to aesthetic resources.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

11. Impact on Open Space and Recreation - *Checked ‘No’; justification provided below*

No, the proposed action will not result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. The Town of Bedford does not have an adopted open space plan.

12. Impact on Critical Environmental Areas - *Checked ‘Yes’ but concluded all potential impacts will be mitigated; justification provided below.*

The Proposed Action will not have a significant negative environmental impact to the Critical Environmental Area as it this feature only skirts the southern boundary of the property. All stormwater management features will be installed and property executed to reduce any potential impacts to this environmental feature. Further, the site will feature a collection and re-use stormwater system.

For these reasons, the Planning Board finds there will be no significant negative impact to the Bedford Aquifer - Critical Environmental Area.

13. Impact on Transportation - *Checked ‘No’; justification provided below.*

The Project will not result in projected traffic that will exceed the capacity of the existing road network. There is no paved parking area for 500 cars or more, and there is no degradation to an existing transit access. The Proposed Action will not degrade existing pedestrian or bicycle facilities and will not alter the present pattern of movement of people or goods.

The Proposed Action will create any new curb cuts from McLain Street nor Bedford Road (Rte. 172). All vehicular traffic will enter the site through the exiting curb cut from the west-adjacent property through a filed access easement agreement. This existing access easement provides vehicular access to the office condominium building west-adjacent to the site, which handles daily traffic volumes to the site. Further, the existing access agreement will reduce additional turning counts and potential conflicts on McLain Street during peak traffic periods. Only emergency vehicles may enter the Site from an alternative location if necessary.

For these reasons, the Proposed Action will not result in any change or impact to any existing transportation systems.

14. Impact on Energy - *Checked ‘Yes’ but concluded all potential impacts will be mitigated; justification provided below.*

The Proposed Action will cause an increase in energy use on the site give the site is currently vacant. The development is designed to be sustainable and include features like low-flush toilets, motion sensor lighting, LED fixtures, and other low-energy devices. For these reasons, Planning Board finds there will be no significant negative impact.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

15. Impact on Noise, Odor, and Light - *Checked ‘Yes’ but concluded all potential impacts will be mitigated; justification provided below.*

The Proposed Action will not result in any significant adverse impact on noise, odor or light. The development is intended to be sustainable in design and include features like low-flush toilets, dark-sky compliant lighting, LED fixtures, and other low-energy devices.

16. Impact on Human Health - *Checked ‘No’; justification provided below.*

The Proposed Action will not result in any significant adverse impact to human health. The development is intended to be sustainable in design and include features like low-flush toilets, motion sensor lighting, LED fixtures, and other low-energy devices. There is no contaminated soils and the site wasn't used for any industry in the past.

17. Consistency with Community Plans - *Checked ‘No’; justification provided below.*

a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).

The Proposed Action will not result in a sharp contrast of land uses when comparing existing land uses along this area of State Route 172. Presently, the surrounding land uses include a large condominium (multi-family) complex west of the Project Site; an office building with multi-tenants west of the Project Site; a very large and busy medical office complex across the street from the Project Site; and large lot single family homes north and southeast of the Project Site. Within one-half mile is the Northern Westchester Hospital, several places of worship, and open space and parkland (Leonard Park) that would complement and service future residents. The Proposed Action would provide a transition between area single-family zoning (R-2A), commercial/office zoning (PB-O), and planned residential development district (PRD Zoning, Village/Town of Mt. Kisco).

b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.

No, the development of four units will not cause a growth in population of 5% or greater.

c. The proposed action is inconsistent with local land use plans or zoning regulations.

The Proposed Action is not inconsistent with local land use plans and zoning regulations. Presently, the Project Site is zoned R-2A District and permits multi-family housing only if a conservation subdivision is executed with approximately 10-acres per Town Zoning Code. The Proposed Action would result in a development scale and character that acts as a transition between single-family and nearby commercial/office uses, an aesthetically assimilated design scheme with the existing community character, no negative impacts to traffic, and a landscaping plan which is well-screened from abutting properties.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

Further, The Project aligns with several goals and recommendations as outlined in the adopted 2003 Comprehensive Plan (the “2003 Plan. The 2003 Plan emphasized creating a range of housing densities and lower-cost housing types, including multi-family housing and affordable housing. Aptly, the 2003 Plan states, “Bedford is committed to providing a range of housing that creates housing opportunities and choices for various household types, sizes, and incomes²” and “the existing pattern of diverse housing types and densities must continue in order to reflect the different housing needs of various segments of the population³.” This recognition is substantiated using Census Data, which shows that, “Bedford’s population has continued to become more diverse in the last decade. The size of families and households continues to decrease while young adults and senior citizens have grown as components of the town’s population. These trends, coupled with ever-climbing increase in real estate values, show an increasing need for alternate forms of housing. Multi-family housing in various forms has been traditionally sought in the past to meet the needs of these groups.”

The 2003 Plan also includes future land use recommendations, such as including adding new, diverse housing stock at a variety of income levels. Specifically, one of the recommendations for increasing multi-family housing is to, “pursue creating additional multi-family housing through the: 1) use of Blue Mountain Housing Corporation... 3) rezonings to VA Village Apartment, MF Multi-Family, and DH Diversified Housing⁴.” The Project will achieve exactly this goal and result in an increase in the affordable housing stock. Further, another future land use recommendation includes selecting sites for multi-family development outside of the hamlets under certain circumstances⁵.

The Proposed Action (construction of four units component) would comply with all MF district zoning requirements, including meeting the required two-acre minimum lot size; all yard setbacks; height restrictions; and coverages. It is equally important to note that the Project Site will ultimately be under-developed, meaning the site will not be built-out to the maximum extent permitted under MF Zoning District regulations, which could result in additional housing units, parking spaces, and impervious surface coverage.

The Proposed Action is also consistent with the Town of Bedford’s Affordable Housing Law. Adopted in 2005, the Law affirms the Town’s commitment to addressing the shortage of affordable housing and recognizes the need to provide more affordable housing. The Proposed Project is fully compliant with the intentions and objectives of the Town’s Affordable Housing Law.

² Pg. 138 of the 2003 Bedford Comprehensive Plan.

³ Pg. 45 of the 2003 Bedford Comprehensive Plan.

⁴ Pg. 143 of 2003 Comprehensive Plan.

⁵ Pg. 143 of the 2003 Comprehensive Plan.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

The Project has been designed with elements of sustainability in mind, including the Bedford Stretch Code at minimum and potentially Net Zero Ready construction contingent on subsidies. Together, these efforts complement the goals and recommendations of Bedford 2030, the Town's adopted sustainability plan.

d. The proposed action is inconsistent with any County plans, or other regional land use plans. *The Proposed Action is generally consistent with the Westchester County Planning Board's long-range planning policies set forth in Westchester 2025 — Context for County and Municipal Planning and Policies to Guide County Planning, adopted by the Board of Legislators on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in Patterns for Westchester: The Land and the People, adopted December 5, 1995, because it would add new, higher density residential development near a commercial center and within walking distance to a number of uses. The affordable housing component described in the Proposed Action is also consistent with Westchester County policies to add a variety of housing typologies at various ranges of affordability to meets the ever growing and changing demands of the county. Another consistency with County-wide planning efforts is the usage of green technology and energy-saving technology, including the usage of LED lights, low-flush toilets, a modular design to aid in reduced construction time and greenhouse gas emissions (transportation).*

e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure. *The area of the Proposed Action is not on public infrastructure. All infrastructure (e.g., water and septic), is privately installed and maintained. Further, any type of development – irrespective of land use – would require approvals from the Westchester County Board of Health.*

f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure. *The area of the Proposed Action is not on public infrastructure. All infrastructure (e.g., water and septic), is privately installed and maintained. No new or expanded public infrastructure is associated with the Proposed Action.*

g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action). *No, the Proposed Action will include no other development plans.*

For the reasons enumerated above, the Planning Board finds that there will be no significant adverse impacts to adopted community land use plans and zoning regulations.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

18. Consistency with Community Character - Checked 'No'; justification provided below.

a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.

There are no existing structures being replaced or eliminated as part of the Proposed Action. Further, the Proposed Action will not detract from the historic importance of the community as fully enumerated in the EAF Part 1, the letter from the New York State Office of Parks, Recreation and Historic Preservation (dated July 6, 2023) , and the reasons contained herein.

b. The proposed action may create a demand for additional community services (e.g. schools, police and fire).

No, the Proposed Action will not create a demand for additional community services.

c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.

No, the Proposed Action will not displace any housing stock but rather do the exact opposite and provide four (4) new units at 80% of the area medium income. [See #17 above for additional reasons for consistency with adopted land use plans and zoning regulations.]

d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

There are no on-site publicly designated or recognized resources. Thus, the Proposed Action will not interfere with the use or enjoyment of officially recognized or designated public resources.

e. The proposed action is inconsistent with the predominant architectural scale and character.

The Proposed Action Architecturally, the proposed development will be a single structure to aesthetically conform with the surrounding neighborhood character with both on-site parking and landscaping. Additional attention to detail regarding the size of the floor plate (~5,500 sqft) is intended to generally reflect the bulk and massing of the single-family homes located north of the Project Site along McClain Street as well as those south of the Project Site off of Sarles Street. Access to and from the Project Site is through an existing access driveway easement on the west-side of the property; as such, no new curb cuts will be established off of McClain Street to help reduce turning movements and improve traffic flow. The Proposed Action is also well within the dimensional regulations of the MF District and therefore will not result in a maximum buildout scenario. For these reasons, the Proposed Action will not have an architectural scale or character detrimental to the area.

NEGATIVE DECLARATION FOR THE PROPOSED ACTION TO REZONE A CERTAIN PARCEL FROM RESIDENCE TWO-ACRE ZONING DISTRICT TO MULTI-FAMILY RESIDENCE ZONING DISTRICT TO CONSTRUCT FOUR MULTIFAMILY UNITS WITH ONSITE LANDSCAPING AND PARKING AT 12 MCLAIN STREET, BEDFORD NY

f. Proposed action is inconsistent with the character of the existing natural landscape. *The Proposed Action will not significantly change the character of the existing natural landscape. The Project Site is bounded by presently undeveloped land to the north; however, the area to the north was approved as a four-lot subdivision and a house is being developed at that site at the present time. State Route 172 (South Bedford Road) completes the southern border of the property, followed by undeveloped, heavily-wooded land; and to the east by McLain Street and west by office buildings and associated parking lots. A local and state regulated wetland exists on the east side of McClain Street, but the Proposed development has been specifically laid out to avoid any land disturbance within the 100-ft regulated buffer in order to protect this natural resource. Further, a detailed landscaping plan will be required as part of any site plan approval process, but the intention at this stage is to remove as few trees as necessary and plant accordingly to provide a vegetated buffer. The Town also encourages all plants to be native and non-invasive.*

For the reasons enumerated above, the Planning Board finds that there will be no significant adverse impact on community character.