

## Westchester County Planning Board Planning and Zoning Action Referral Form

Referral Name: Clear Cutting and Excavation of Land

Westchester County Planning Board comments due by:

Address: \_\_\_\_\_

Municipality: Yonkers

Local Case Number: \_\_\_\_\_

Zip code of location of the action: \_\_\_\_\_

Local Meeting Date: \_\_\_\_\_

Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Public Hearing:  Yes  No

**Referring Agency:**

- City Council
- Town/Village Board
- Planning Board/Commission
- Zoning Board
- Other: \_\_\_\_\_

**General Land Use Classification:** \_\_\_\_\_

**Type of Action**

- New
- Expansion
- Modification

**SEQR Action**

- |                                      |                                    |                                               |
|--------------------------------------|------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> EAF         | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Positive Declaration |
| <input type="checkbox"/> Lead Agency | <input type="checkbox"/> Final EIS | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Draft Scope | <input type="checkbox"/> Findings  |                                               |

**Referral Description:** A resolution assuming lead agency status, determining that the proposed amendment constitutes an unlisted action, adopting a negative declaration pursuant to the NYS environmental quality review act with respect to the proposed amendment of the zoning ordinance of the COY in regard to the clear cutting and excavation of land prior to required site plan approval, and setting a date and time for the conduct of a public hearing with respect to such proposed amendment.

**Referral Trigger (Type of Action)\***

Please check appropriate box for actions involving **more than 5,000 square feet of new or renovated floor area OR 10,000 square feet of total land disturbance**. If this action involves less floor area or land disturbance, please use a "notification only" form to reduce paperwork/waste.

- Special Use Permit or Use Variance
- Subdivision Plat (Only when a new street will connect directly into a state or county road or a new drainage line will connect directly into a county drainage channel)
- Zoning Ordinance or Map (Adoption or Amendment)
- Moratoriums

- Comprehensive Plan (Adoption or Amendment)
- Official Map (Adoption or Amendment)
- Site Plan (please circle the condition)

Affecting property within 500 feet of:

- A municipal boundary;
- The boundary of an existing or proposed state or county park or any other state/county recreation area;
- The right-of-way of an existing or proposed state or county road;
- An existing or proposed county drainage channel line;
- The boundary of state or county-owned land on which a public building/ institution is located;
- The boundary of a farm located in an agricultural district.

**Contact Information**

Local Contact Name: Vincent Spano

Department/Agency: City Clerk

Phone Number: 914-377-6020 Email Address: vincent.spano@yonkersny.gov

Please provide notice at least **10 days** prior to any hearing (**30 days** in advance for site plans) with supporting documentation (including an EAF) and return address to:

Municipal Referrals  
Westchester County Department of Planning  
148 Martine Avenue, Room 432  
White Plains, NY 10601-3311

*Note: You may fax this sheet to (914) 995-3780, in order to start the referral process. Please send all supporting documentation within one business day of sending the fax.*

\* Note: This list is provided as a convenience. Please check General Municipal Law and the Westchester County Code to be certain which actions to refer.

RESOLUTION NO.119-2024

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER RUBBO, MAJORITY WHIP ROBINSON, MINORITY LEADER BREEN, COUNCILMEMBERS, PINEDA –ISAAC, DIAZ AND MERANTE:

A RESOLUTION ASSUMING LEAD AGENCY STATUS, DETERMINING THAT THE PROPOSED AMENDMENT CONSTITUTES AN UNLISTED ACTION, ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE PROPOSED AMENDMENT OF THE ZONING ORDINANCE OF THE CITY OF YONKERS IN REGARD TO IN REGARD TO THE CLEAR CUTTING AND EXCAVATION OF LAND PRIOR TO REQUIRED SITE PLAN APPROVAL, AND SETTING A DATE AND TIME FOR THE CONDUCT OF A PUBLIC HEARING WITH RESPECT TO SUCH PROPOSED AMENDMENT.

WHEREAS, pursuant to Section 43-162 of the Zoning Ordinance of the City of Yonkers (the "Zoning Ordinance"), and at the written request of the City of Yonkers Planning Board (the "City Planning Board"), dated November 20, 2023 (the "City Planning Board Request"), the City Council proposes to enact a general ordinance (the "Proposed Official Action") to amend Chapter 43 of the Code of the City of Yonkers entitled "Zoning" in regard to concerns related to clear cutting and excavation of land prior to site plan approval, to eliminate the several problems accruing from this practice; and

WHEREAS, by resolution duly adopted by the City Council on March 12, 2024, the City Council adopted and circulated a resolution to declare its intent to act as Lead Agency in accordance with the provisions of 6 NYCRR Part 617 of the New York State Environmental Quality Review Act (Environmental Control Act §8-0101 et seq.) ("SEQRA"), in order to initiate a review process of the Proposed Official Action; and

WHEREAS, the Proposed Official Action, together with the City Council's declaration of its intent to establish its Lead Agency status, was thereupon referred by the City Council pursuant to SEQRA, Section 239-m of the General Municipal Law of the State of New York and Section 43-164 of the Zoning Ordinance, respectively, to the City Planning Board and the Westchester County Planning Board (the "County Planning Board") for their respective review and recommendation; and

RESOLUTION NO.119-2024 (CONTINUED)

WHEREAS, more than thirty (30) days have passed since the date such referrals were made by the City Council to the City Planning Board and the County Planning Board, respectively, and the City Council has received no objection to the City Council acting as Lead Agency for purposes of the review of the Proposed Official Action or to the Proposed Official Action itself; and

WHEREAS, the City Council, as Lead Agency, has reviewed and considered the entire record, including Parts 1, 2 and 3 of the EAF and the City Planning Board Request, together with the criteria set forth in §617.7(c) of the SEQRA regulations; and

WHEREAS, the City Council has identified and carefully considered the relevant areas of environmental concern to determine whether the Proposed Official Action will result in any significant adverse environmental impacts in light of the criteria set forth in §617.7(c) of the SEQRA regulations; and

WHEREAS, the City Council wishes to conduct a public hearing on the Proposed Official Action in accordance with the requirements of Section 43-165 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council hereby assumes the Lead Agency status for the review of the Proposed Official Action pursuant to and in furtherance of SEQRA requirements; and be it

FURTHER RESOLVED THAT, the City Council hereby determines that the Proposed Official Action constitutes an "Unlisted Action" under SEQRA and has completed, or caused to have completed, a short form environmental assessment form (the "EAF") with respect thereto; and be it

FURTHER RESOLVED THAT, based upon the City Council's review of the entire record, including the EAF, and for the reasons set forth therein, the City Council hereby adopts a Negative Declaration under SEQRA that the Proposed Official Action will not result in any significant adverse impact on the environment, and that the preparation of an Environmental Impact Statement is not required; and be it

FURTHER RESOLVED that on June 26, 2024 at 6:15 p.m., the City Council shall conduct a public hearing on the Proposed Official Action in accordance with the requirements of Section 43-165 of the Zoning Ordinance and notice thereof shall be given in accordance with Section 43-165; and be it

RESOLUTION NO.119-2024 (CONTINUED)

FURTHER RESOLVED THAT, a copy of this resolution be filed in the Office of the City Clerk and be furnished to the City Planning Board, the County Planning Board and those requesting a copy; and be it

FURTHER RESOLVED THAT, this resolution, or notice of the adoption thereof, be published in the Environmental Notice Bulletin of the New York State Department of Environmental Conservation; and be it

FURTHER RESOLVED THAT, this resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 11, 2024. BY A VOTE OF 6-0. MAJORITY WHIP ROBINSON WAS ABSENT.

*J. All-Bellamy*  
COUNCIL PRESIDENT

6/13/2024  
DATE

SENT TO MAYOR 6/13/2024  
DATE

*Michael Pao*  
MAYOR

APPROVED 6/14/24  
DATE

ATTEST:

*Karen Spina*  
CITY CLERK

6/17/24  
DATE