

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **Wednesday, July 21, 2021 at 7:00 p.m.** as the time date and place of a public hearing to afford all interested parties an opportunity to be heard and seek public comment, in regard to the following:

An application from Mid-Hudson Development Corp., requesting that the zoning for tax parcel numbers 6158-01-261673 and 6158-01-237655 located on Route 9D and on Delavergne Avenue respectively, in the Town of Poughkeepsie consisting of approximately 6.51 acres, be changed from Residence, Single Family 20,000 SF (R-20) to Residence, Multifamily (R-M) designation; and the proposed zoning map amendment would allow for the development of South Hills Commons, a proposed 24 unit, multi-family housing project consisting of four (4) two-story buildings.

\* Given the global COVID-19 pandemic, Town Hall is now open to the public, *but* with limited space and with special requirements (social distancing, and sign-in) for public attendance. However, the Town Board meeting, inclusive of this public hearing, will also be accessible to the public through the media platform called Zoom in order to proceed with Town business while safely maintaining social distancing requirements.

Members of the community can access the Town Board meeting through Zoom by entering the

Meeting ID: 942 7085 5485

Password: 757861

; or by following this link:

<https://zoom.us/j/94270855485?pwd=aDIkdVYzL3FIVzZUTmk2e1V1Zmp1QT09>

Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio. Members of the community can also simply call into the meeting using the following phone number: 1-929-205-6099 and the meeting ID and meeting password above. The meeting is also broadcast live on Cablevision Channel 22 and Verizon Fios Channel 38.

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed Local Law in regard to zoning change is available with Exhibit to preview on our website @ [www.townofpoughkeepsie.com](http://www.townofpoughkeepsie.com) on the public hearing page or use the link below:

<https://www.dropbox.com/s/5tdklhggfspfymb/20210604TBCCompleteSubmission.pdf?dl=0>

Comments may also be accepted by the Town Clerk should you be unable to attend the hearing in person or via zoom

Felicia Salvatore, Town Clerk  
Town of Poughkeepsie  
June 22, 2021

RESOLUTION 6:16 - # 7 OF 2021

WHEREAS, the Town Board has received an application from Mid Hudson Development Corp., requesting that the zoning for tax parcel numbers 6158-01-261673 and 6158-01-237655 located on Route 9D and on Delavergne Avenue respectively, in the Town of Poughkeepsie consisting of approximately 6.51 acres, be changed from Residence, Single Family 20,000 SF (R-20) to Residence, Multifamily (R-M) designation; and

WHEREAS, the proposed zoning map amendment would allow for the development of South Hills Commons, a proposed 24 unit, multi-family housing project consisting of four (4) two-story buildings; and

WHEREAS, the proposed amendment is attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendment and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, the action to amend the Zoning Map is an Unlisted Action under the New York State Environmental Quality Review Act; and

WHEREAS, by Resolution 6:17 - #12 of 2020 the Town Board consented to the Planning Board serving as the Lead Agency to coordinate the environmental review of the proposed action pursuant to Article 8 of the Environmental Conservation Law, referred the matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m, and referred the matter to the Town Planning Board for an advisory report pursuant to Town Code Section 210-154; and

WHEREAS, a written response dated July 15, 2020 was received from the Dutchess County Department of Planning and Development and that said response stated it was a matter of local concern; and

WHEREAS, the Town Planning Board, as Lead Agency, determined that the proposed project would not have a significant adverse impact on the environment, and that no environmental impact statement will be required for the reasons set forth in the SEQRA Negative Declaration for an Unlisted Action dated May 20, 2021; and

WHEREAS, on May 20, 2021 the Town Planning Board also voted to convey no recommendation, positive or negative, as part of its advisory report to the Town Board regarding the proposed zoning district change from R-20 to R-M, noting several items for the Town Board's consideration; and

WHEREAS, amending the Zoning Map requires a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed zoning map amendment for July 21, 2021, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
2. The Town Board directs the Town Clerk to provide for public notice of said hearing per Town Code §210-156.

Dated: June 16<sup>th</sup> 2021

Moved: Stephan Krakower

Seconded: Michael Cifone

Motion passes/ fails: Ayes 6 Nays 0

JEN/mem  
t-6/10/2021  
m-6/16/2021

		AYE	NAY	ABSTAIN
<u>PRESENT/ABSENT</u>	Councilman Renihan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Councilman Carlos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Councilwoman Lopez	<u>Absent</u>		
<u>PRESENT/ABSENT</u>	Councilman Cifone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Councilman Krakower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Councilwoman Shershin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT/ABSENT</u>	Supervisor Baisley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attachment A

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

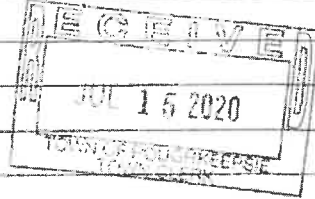
1. Pursuant to Article III, §210-11 of the Town of Poughkeepsie Zoning Code the zoning designation for tax parcel numbers 6158-01-261673 and 6158-01-237655 located on Route 9D and on Delavergne Avenue respectively, Poughkeepsie, New York in the Town of Poughkeepsie consisting of approximately 6.51 acres, be changed from Residence, Single Family 20,000 SF (R-20) to Residence, Multifamily (R-M) designation.

**Dutchess County Department of Planning and Development**

Fax Info Only	To	Date	#pgs
	Co./Dept.	From	
	Fax #	Phone #	

**239 Planning/Zoning Referral - Exemption Communities**

Municipality: **Town of Poughkeepsie**  
 Referring Agency: **Municipal Board**  
 Tax Parcel Numbers(s): **2616730000, 2376550000**  
 Project Name: **LL South Hills Common Rezone R-20 to R-M**  
 Applicant: **Mid Hudson Development Corp**  
 Address of Property: **Route 9D, Poughkeepsie, NY 125900000**



Please Fill in this section

**Exempt Actions:\*  
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

**No Authority to review these Actions**

- Subdivisions / Lot Line Adjustments
- Interpretations

Exempt Action submitted for informal review

**Actions Requiring 239 Review**

- Comprehensive/Master Plans
- Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- Rezoning involving all map changes
- Site Plans (all)
- Special Permits for all non-residential uses
- Use Variances for all non-residential uses
- Area Variances for all non-residential uses
- Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- Other (Describe):

**Parcels within 500 feet of:**

- State Road: **NY 9D**
- County Road:
- State Property (with recreation area or public building)
- County Property (with recreation area or public building)
- Municipal Boundary
- Farm operation in an Agricultural District

Date Response Requested:  
 Entered By: **Tissiere, Janet**

\*These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.\*

**For County Office Use Only**

**Response From Dutchess County Department of Planning and Development**

**No Comments:**

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn
- Incomplete - municipality must resubmit to County
- Exempt from 239 Review
- None

**Comments Attached:**

- Local Concern with Comments
- Conditional
- Denial
- Incomplete with Comments- municipality must resubmit to County
- Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **6/18/2020**  
 Date Received: **6/18/2020**  
 Date Requested:  
 Date Required: **7/17/2020**  
 Date Transmitted: **7/15/2020**

Notes: **Additional referral are located on RAMP. Response emailed to community and uploaded to RAMP.**

Major Project  
 Referral #: **ZR20-145**

Also mailed hard copy

Reviewer: *Shelley Frangk*



# Town of Poughkeepsie Planning Department

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3657 Phone  
845-486-7885 Fax

May 21, 2021

Sent via email to: **john@mhdcny.com**  
**amyb@daystokosaeng.com**  
**bwatts@daystokosaeng.com**  
**aodell@daystokosaeng.com**

Mid-Hudson Development Corp  
PO Box 636  
Fishkill, NY 12524

**RE: SOUTH HILLS COMMONS**  
Route 9D and Delavergne Avenue

Dear Mid-Hudson Development Corp (Applicant) and Ms. Bombardieri (Applicant Engineer):

This letter is to inform you of the action taken by the Town of Poughkeepsie Planning Board at a meeting held on May 20, 2021, at which time you requested SEQRA Review, Recommendation to the Town Board for Zoning District Change, Site Plan Review, and Architectural Review for a proposed zoning district change from R-20 to R-M in order to construct four (4) multifamily, two-story buildings, containing six (6) units each, for a total of 24 units. The application includes merging the parcels under review. Route 9D and Delavergne Avenue; R-20 (Residence, Single-Family 20,000 SF) Zoning District;  $\pm 5.50$  acres and  $\pm 1.01$  acres; Grid #'s: 6158-01-261673 and 6158-01-237655, respectively; Unlisted Action; *John Tremblay, Owner and MidHudson Development Corp, Applicant.*

Motion that the Planning Board open the public hearing.

Moved: Carl Whitehead  
Seconded: Nicole Gemmati  
Carried: 6-0

Motion that the Planning Board adjourn the public hearing to July 15, 2021.

Moved: Carl Whitehead  
Seconded: Nicole Gemmati  
Carried: 6-0

Motion that the Planning Board determine that the proposed South Hills Commons application would not have a significant adverse impact on the environment for the reasons set forth in the SEQRA Negative Declaration for an Unlisted Action dated May 20, 2021.

Moved: Nicole Gemmati  
 Seconded: Rocco Romeo  
 Carried: 6-0

ROLL CALL VOTE	AYE/NAY
Chairman Whitehead	Aye
Member Fanelli	Aye
Member Gemmati	Aye
Member Katnani, Alternate	Absent
Member Nasser	Aye
Member Paganelli	Aye
Member Quinn	Absent
Member Romeo	Aye

Motion that the Planning Board convey no recommendation, positive or negative, as part of its advisory report to the Town Board regarding the proposed zoning district change from R-20 to R-M, noting the following for the Town Board’s consideration:

1. Applicant to merge two (2) parcels: 6158-01-261673 and 6158-01-27655.
2. Proposed project acreage total is ± 6.51 acres.
3. A maximum density calculation was applied to this proposed development (the proposed project acreage total less constrained lands as defined by the Town Code). By definition, constrained lands encompass Town, state and/or federal protected freshwater wetlands; one-hundred-year floodplains or flood hazard areas; steep slopes of 25% and greater; and open bodies of water, including streams, ponds and lakes of any size.
4. Upon removal of the constrained lands from the ± 6.51 acres, ± 4.26 acres remain for use in a multifamily dwelling unit calculation. The calculation yields 25.5 units. In other words, 25 units is the maximum number of units the applicant may propose.
5. The original proposal included two (2) apartment buildings, one building to house 13 units and one building to house 12 units.
6. The original proposal was modified based on Planning Board, Town staff and consultants, and public comment, as follows:
  - a. 24 apartments: six (6) units in four (4) buildings.
  - b. Structural/Building changes included breaking up the originally proposed two (2) long structures into four (4) smaller structures to better blend in with the existing R-20 zoning district along Route 9D and the existing R-M zoning district to the north.
  - c. Architectural changes included providing different colors to each of the buildings, pitched roofs, balconies with coverage, and ornamental lighting.
  - d. Site changes include, but are not limited to: the slight reduction in proposed parking in order to decrease impervious surface yet meet anticipated parking requirements; a more robust landscaping plan; a privacy fence along the northern property line; a lighting plan that meets Town Code; accessible parking to serve each of the four (4) buildings; sidewalks as makes sense throughout the site; a sidewalk along Route 9D to run the length of the property line; outdoor tenant amenities.

Moved: Nicole Gemmati  
 Seconded: Rocco Romeo  
 Carried: 6-0

ROLL CALL VOTE	AYE/NAY
Chairman Whitehead	Aye
Member Fanelli	Aye
Member Gemmati	Aye
Member Katnani, Alternate	Absent
Member Nasser	Aye
Member Paganelli	Aye
Member Quinn	Absent
Member Romeo	Aye

Motion that the Planning Board defer further action on this application until the Town Board has reached a decision on the zoning map amendment, and direct the applicant to respond to comments, in writing, of the Planning Board and those received from Town departments and Agencies including, but not limited to, the following:

1. Town Planning Department comments dated May 14, 2021.
2. Town Engineering Department (CPL) Site Plan and SWPPP comments dated May 12, 2021.
3. Town Engineering Department (CPL) revised SWPPP comments dated May 18, 2021.
4. Town Traffic Engineering Consultant (JMC) comments dated May 11, 2021.
5. Town Water Department comments dated May 10, 2021.
6. DC Department of Health comments dated May 6, 2021.
7. Town Sewer Department comments dated May 3, 2021.
8. New Hamburg Fire Department comments dated May 3, 2021.
9. Town Zoning Department comments dated April 29, 2021.
10. Town Building Department comments dated April 29, 2021.
11. Town Environmental Consultant (Aspen Environmental) comments dated April 27, 2021.
12. NYS Department of Transportation review.
13. Planning Board comments:
  - a. Provide more natural fence color and include detail with next submission to the Planning Board.
  - b. Applicant to correct sidewalk width along Route 9D—*should be 5 feet wide*.

Moved: Nicole Gemmati  
 Seconded: Rocco Romeo  
 Carried: 6-0

ROLL CALL VOTE	AYE/NAY
Chairman Whitehead	Aye
Member Fanelli	Aye
Member Gemmati	Aye
Member Katnani, Alternate	Absent
Member Nasser	Aye
Member Paganelli	Aye
Member Quinn	Absent
Member Romeo	Aye

**NOTE TO THE APPLICANT:** *In responding to the comments of the Planning Board, Planning Department Staff, any of the various Town Departments and Agencies, and any of the Town's consultants, it is the responsibility of the applicant to prepare appropriate and complete responses to each and every comment contained in the comment letter(s) and memoranda listed above. Failure to submit appropriate and complete responses to each and every comment as noted may result in the removal of the application from the Planning Board agenda, or may delay plan signatures pending a revised response.*

Very truly yours,

*Carl Whitehead*

Carl Whitehead  
 Planning Board Chairman

PRESENT	ABSENT
Chairman Whitehead	
Member Fanelli	
Member Gemmati	
Member Nasser	Member Katnani, Alt.
Member Paganelli	
Member Romeo	Member Quinn

CW:cab

cc: Felicia Salvatore, Town Clerk, via email  
 Lisa Cobb, Esq., Wallace & Wallace, LLP, Planning Board Attorneys, via email



# Town of Poughkeepsie

## Planning Department

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3657 Phone  
845-486-7885 Fax

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance  
May 20, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN OF POUGHKEEPSIE PLANNING BOARD**, as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and therefore a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** South Hills Commons

**SEQR Status:** Type 1   
Unlisted

**Coordinated SEQRA Review:**  Yes  
 No

**Conditioned Negative Declaration:**  Yes  
 No

### Location

Site access to be provided off of Route 9D, north of the intersection of Route 9D and Delavergne Avenue  
Existing: R-20 (Residence, Single-Family 20,000 SF) Zoning District  
Requested: R-M (Residence, Multifamily) Zoning District  
±5.50 acres and ±1.01 acres; Grid #'s: 6158-01-261673 and 6158-01-237655, respectively

### Description of Action

The action includes the construction of four (4) multifamily, two-story buildings, containing six (6) units each, for a total of 24 units; merging the two (2) parcels under review; and a request for a zoning district change from R-20 to R-M.

The applicant appeared before the Town Board on June 17, 2020 to present their application. The Town Board referred the application to the Planning Board per Town Code §210-154 for an advisory report regarding the zoning district change, consenting to the Planning Board being Lead Agency. Additionally, the application is subject to site plan review and architectural review.

The applicant appeared before the Planning Board on July 16, 2020; October 15, 2020; December 17, 2020; February 18, 2021; and May 20, 2021. The applicant submitted materials for the March 18, 2021 Planning Board meeting, but based on Town staff and consultant comments received, ultimately, requested to be adjourned to May 20, 2021 Planning Board meeting.

The public hearing was opened at the February 18, 2021 Planning Board meeting. Public comment has been received by email and at the following Planning Board meetings: July 16, 2020; October 15, 2020; December 17, 2020; February 18, 2021; and May 20, 2021.

### **Required Permits and Approvals**

- Town Board: zoning district change request from R-20 to R-M
  - Town Planning Board: SEQRA review as Lead Agency, site plan review, and architectural review
  - Town Zoning Board: Area Variances
    - Lot Frontage area variance for 2.03 feet
    - Lot Width area variance for 7.4 feet
    - Landscaped Buffer area variance for  $\pm$  5.0 feet
- \*It should be noted that this variance list is subject to change upon Town Board review and potential further Planning Board review, but that this list is current as of May 20, 2021.\**
- Dutchess County Department of Health: Water and Sewer connection review and approval
  - NYS Department of Transportation: Highway Work Permit
  - NYS Department of Environmental Conservation: State Pollutant Discharge Elimination System (SPDES) General Permit

### **Documents, Studies, Materials and Comments Reviewed and Considered by the Lead Agency**

A Site Plan application was submitted to the Town Planning Department for review, along with Part I of a Full Environmental Assessment Form for SEQR review. A complete list of materials reviewed may be found at the end of this document.

### **Reasons Supporting This Determination:**

#### **1. Land**

The total acreage involved in the proposed action is  $\pm$ 6.51 acres with  $\pm$ 2.48 acres being physically disturbed. Due to the fact that the proposed action will physically disturb greater than one (1) acre of land, it is subject to receipt of a State Pollutant Discharge Elimination System (SPDES) General Permit, thereby resulting in the preparation of a project specific Stormwater Pollution Prevent Plan (SWPPP).

Additionally, the proposed action is subject to the applicable erosion and sediment controls and measures. These required controls and measures are anticipated to mitigate land disturbance impacts. Prior to the commencement of any site work, the applicant's contractor and consulting engineer are required to meet with the Town's Planning Department, the Town's Building Department, and the Town Engineer. Upon meeting, erosion control measures will be discussed.

There are no moderate to large-scale stormwater impacts anticipated as a result of this proposed action. No significant adverse environmental impacts are anticipated.

**2. Geologic Features**

There are no unique or unusual land forms within the project site (e.g. cliffs, dunes, minerals, fossils, caves). Therefore, no significant adverse environmental impacts are anticipated.

**3. Surface Water**

The proposed action is not anticipated to affect one or more wetlands or other surface water bodies (streams, rivers, ponds, lakes).

Based on a preliminary review of the National Wetlands Inventory mapping, there appeared to be a regulated wetland preset on site. This identification led to the applicant completing a wetlands assessment on November 6, 2019. The assessment was performed by Ecological Solutions, LLC, retained by the applicant. The Town's environmental consultant, Aspen Environmental, reviewed the assessment documentation provided with the applicant's July 16, 2020 Planning Board submission and requested additional information for review in a comment letter dated July 9, 2020. Subsequent to issuing their July 9, 2020 letter, Aspen Environmental also completed a field inspection on July 15, 2020 and provided a revised comment letter dated July 15, 2020. This second letter documented that the purpose of the visit was to verify the applicant's conclusion that no regulated wetlands are present on site. Aspen Environmental assessed the site hydrology, soils and vegetation. The area is dominated by invasive species. The soils also failed to exhibit the low chroma colors expected if the suspect area was under seasonally saturated conditions. Therefore, based on these findings, Aspen Environmental concurred with the findings documented by Ecological Solutions, LLC that there are no regulated wetlands on site.

No adverse environmental impacts are anticipated.

**4. Groundwater**

The proposed action is not anticipated to result in new or additional use of groundwater, or have the potential to introduce contaminants to ground water or an aquifer. Therefore, no significant adverse environmental impacts are anticipated.

**5. Flooding**

The proposed action site is not located within the 100-year or 500-year floodplain. Therefore, no significant adverse environmental impacts are anticipated.

**6. Air**

The proposed action will not require a state regulated air emission source. Therefore, no significant adverse environmental impacts associated to air are anticipated.

**7. Plants and Animals**

According to the United States Fish and Wildlife Services (USFWS) IPaC system, accessed on May 12, 2021, there are two (2) species listed as threatened or endangered in this region of New York State and they are the Indiana Bat (endangered) and the Northern Long-eared bat (threatened). Per USFWS, there are no critical habitats found on the proposed action site. The IPaC mapper also identified five (5) migratory Birds of Conservation Concern (BCC). The five (5) bird species are the Canada Warbler, Bobolink, Red-headed Woodpecker, Snowy Owl, and Wood Thrush. In addition, the Bald Eagle is listed, but is not a BCC in this area. All proposed tree

clearing will be restricted to occur between October 1 and March 31. No significant adverse environmental impacts are anticipated.

**8. Agricultural Resources**

The proposed action is not located in or adjacent to an Agricultural District. Therefore, no adverse environmental impacts are anticipated.

**9. Aesthetic Resources**

The proposed land use is not obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. Therefore, no significant adverse environmental impacts are anticipated.

**10. Historic and Agricultural Resources**

The proposed action is not anticipated to occur in or adjacent to a historic or archeological resource per the applicant's consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) dated October 28, 2020 and January 27, 2021. No adverse environmental impacts are anticipated.

**11. Open Space and Recreation**

There is no anticipated loss of recreational opportunities or a reduction of an open space resource as designated in any Town-adopted open space plan. No adverse environmental impacts are anticipated.

**12. Critical Environmental Areas**

The proposed action is not located in or adjacent to a Critical Environmental Area (CEA). Therefore, no significant adverse environmental impacts are anticipated.

**13. Transportation**

The proposed action may result in a small impact and change to existing transportation systems.

An as-of-right analysis was provided by the applicant, dated January 22, 2021, documenting the comparison of three categories: (1) school-aged children, (2) impervious surface square footage, and (3) trip generation. Focusing on the trip generation, the Town's traffic consultant, JMC, reviewed the as-of-right analysis and provided comments regarding the references utilized and ultimately requested revisions to the analysis. A revised as-of-right analysis, dated February 23, 2021, was provided by the applicant for review. JMC found the revised trip generation analysis to be appropriately documented. This analysis anticipates the following for the proposed action:

- Traffic: Weekday AM Peak: 13 trips
- Traffic: Weekday PM Peak: 16 trips
- Traffic: Saturday Peak: 17 trips
- Traffic: Sunday Peak: 16 trips

Concerns regarding the additional trips to this roadway network led to a request for a traffic impact study. The applicant's traffic engineer, Colliers Engineering and Design, prepared a traffic impact study, dated April 8, 2021. The study analyzed no build and future build conditions;

accident analysis data; and a left-turn lane analysis for site access for northbound traffic turning left into the project site.

The following language, from the traffic impact study, summarizes anticipated future conditions:

▪ **NYS Route 9D & Delavergne Avenue**

*Capacity analysis was conducted for this intersection utilizing the 2021 Existing Traffic Volumes. The analysis results indicate that the intersection is currently operating at an overall Level of Service "A" during the AM and PM Peak Hours. The capacity analysis was recomputed using the 2024 No-Build and Build Traffic volumes. These results indicate that the intersection is expected to experience similar Levels of Service during each of the peak hours under future conditions.*

▪ **NYS Route 9D & Proposed Site Driveway**

*Capacity analysis was conducted for this intersection utilizing the 2024 Build Traffic volumes. These results indicate that the intersection is expected to experience Levels of Service "C" during the AM Peak Hour and at a Level of Service "D" during the PM Peak Hour. The Site Access driveway location was reviewed relative to available sight distance. Field measurements of the existing available sight distance were taken by representatives of Colliers Engineering & Design which indicate sight distances in excess of 700 ft. are available looking both north and south from the proposed driveway location. These sight distances are in excess of the minimum required AASHTO Intersection Sight Distance of 500 ft. for the estimated 45 MPH 85th Percentile Speed along Route 9D.*

*The need for a left turn lane at the proposed Site Access location has also been analyzed based on the AASHTO Suggested Left-Turn Lane Guidelines for Unsignalized Intersection on Urban Arterials. This analysis is summarized in Table No. 3 contained in Appendix B, which compares the projected left turn volume entering the Site Access to the AASHTO Left-Turn Lane Warrants for opposing traffic volume along the roadway. As indicated in the table the analysis indicates that a left turn lane is not projected to be warranted at this location. The final determination on the need for a left turn lane or any other improvements at this location will ultimately be made by the NYSDOT as part of their review under the Highway Work Permit process.*

▪ **NYS Route 9D & Swenson Drive**

*Capacity analysis was conducted for this intersection utilizing the 2021 Existing Traffic Volumes. The analysis results indicate that the intersection is currently operating at an overall Level of Service "B" during the AM Peak Hour and at an overall Level of Service "C" during the PM Peak Hour. The capacity analysis was recomputed using the 2024 No-Build and Build Traffic volumes. These results indicate that the intersection is expected to experience similar levels of service to existing conditions during the AM Peak Hour. During the PM Peak Hour, the intersection is expected to experience a Level of Service "D" under No-Build conditions regardless of the project. A similar level of service is expected to be experienced under future build conditions with minimal increases in delay as a result of the project related traffic.*

▪ **NYS Route 9D & US Route 9 with Vassar Road**

*U.S. Route 9 and NYS Route 9D/Vassar Road intersect at a full-movement signalized intersection. The U.S. Route 9 northbound and southbound approaches each consist of three (3) through lanes with separate left turn and right turn lanes on each approach. The westbound Vassar Road approach consists of two (2) left turn lanes, two (2) through lanes and a separate channelized, yield controlled right turn lane. The eastbound NYS Route 9D approach consists of two (2) left turn lanes, one (1) through lane with a short separate channelized, yield controlled right turn lane.*

*The proposed development is projected to add approximately 10 total peak hour vehicles to the intersection of U.S. Route 9 and NYS Route 9D/Vassar Road during each of the peak hours which equates to approximately 1 vehicle every 6 minutes. This level of traffic is not expected to significantly impact the operating conditions of this intersection.*

The Town's traffic consultant, JMC, has reviewed the traffic impact study and finds the anticipated conclusions to be acceptable per a comment letter dated May 11, 2021.

There are no anticipated moderate- to large-scale impacts as a result of the proposed action. Therefore, no significant adverse environmental impacts are anticipated.

**14. Energy**

The proposed action will utilize the local energy grid, electric and gas. Therefore, no significant adverse environmental impacts are anticipated.

**15. Noise, Odor, and Light**

The proposed action will not result in a permanent increase in noise. Construction related noise must adhere to Town Code requirements. The proposed action will not result in outdoor odors. Any lighting proposed as a result of the proposed action will be subject to the Town Code lighting regulations. Therefore, no significant adverse environmental impacts are anticipated.

**16. Human Health**

The proposed action will not result in the potential for exposure to contamination. Therefore, no significant adverse environmental impacts are anticipated.

**17. Consistency with Community Plans**

The proposed action is not inconsistent with any adopted land use plan. While a zoning district change is proposed, the change is from one residential use to a different residential use. The proposed action's land use components will not be different from, or in sharp contrast to, current surrounding residential land use pattern(s). Some variances will be required; however, it appears that they will be de minimis (e.g., the applicant can provide 197+ feet where 200 feet are required). While the proposed density of the project is close to the maximum allowed within the Town's zoning code, it is still within the permitted range and will not require any variances. No variances are required for building heights or setbacks. The proposed project will cause a minor increase in population but there is adequate infrastructure, housing, services, and capacity in the municipality to accommodate that growth without the need for increasing capacity. Therefore, no significant adverse environmental impacts are anticipated.

### **18. Consistency with Community Character**

The proposed action is not inconsistent with the existing community character. The property is surrounded by residential properties. (True?) The current zoning of the two parcels is R-20. As noted, it is proposed to be changed to R-M, which is the zoning designation of the property immediately to the north of the subject parcels. If approved, the zoning change will not change the character of the surrounding area. There is R-20 zoning immediately east of the proposed action. The applicant has provided 100+ plantings along this shared property line to supplement an existing tree buffer and provide screening. The applicant also has modified its original proposal of 2 larger buildings to now have 4 smaller buildings, containing one fewer unit. Therefore, no significant adverse environmental impacts are anticipated.

### **Other Potential Impacts**

In addition to the discussion of impacts in the sections above, the Lead Agency has also considered, and hereby issues a determination, concerning the following:

1. The proposed action would not result in a substantial adverse change in existing air quality, ground water quality or quantity, or noise levels; a substantial increase in solid waste production; a substantial increase in potential for flooding, or leaching problems.
2. The proposed action would not result in the impairment or the environmental characteristics of a Critical Environmental Area.
3. The proposed action would not create a material conflict with the community's current plans or goals as officially approved or adopted.
4. The proposed activity would not impair the character or quality of important aesthetic resources.
5. The proposed action would not result in a major change in the use of either the quantity or type of energy.
6. The proposed action would not create a hazard to human health.
7. The proposed activity would not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.
8. The proposed action would not result in the creation of material demand for other actions that would result in one of the above consequences.
9. The proposed action would not result in 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.
10. When analyzed with two or more related actions, the proposed action would not have a significant impact on the environment and when considered cumulatively, would not meet one or more of the criteria under 6 NYCRR 617.7.

For Further Information:

Michael A. Welti, AICP, Director of Municipal Development  
Town of Poughkeepsie  
One Overrocker Road  
Poughkeepsie, New York 12603  
Tele: 845-485-3657

**This negative declaration was authorized at a meeting by the Planning Board held on May 20, 2021.**

## **MATERIALS REVIEWED**

### **July 16, 2020 Planning Board Meeting Submission**

- Planning Board Combined Application Form as prepared by Day/Stokosa
- Long Environmental Assessment Form as prepared by Day/Stokosa
- Site Plan Set as prepared by Day/Stokosa
- Building Elevations as prepared by Day/Stokosa
- Building Floor Plans as prepared by Day/Stokosa
- Property Deed
- Mid-Hudson Development Corp – Executed Contracts with Current Property Owner
- Wetland Assessment Correspondence as prepared by Ecological Solutions

### **October 15, 2020 Planning Board Meeting Submission**

- Planning Board Combined Application Form as prepared by Day/Stokosa
- Revised Site Plan Set as prepared by Day/Stokosa
- Written Response to comments as prepared for the July 16, 2020 Planning Board meeting
- Revised Building Elevations as prepared by Day/Stokosa
- Revised Building Floor Plans as prepared by Day/Stokosa
- Phase 1 Archaeological Investigation

### **December 17, 2020 Planning Board Meeting Submission**

- Revised Site Plan Set as prepared by Day/Stokosa
- Written Response to comments as prepared for the October 15, 2020 Planning Board meeting
- Revised Building Elevations as prepared by Day/Stokosa
- Revised Building Floor Plans as prepared by Day/Stokosa
- Digital Illustration – Visual Guidance for Proposed Development as prepared by Day/Stokosa

### **February 18, 2021 Planning Board Meeting Submission**

- Revised Planning Board Combined Application Form as prepared by Day/Stokosa
- Revised Site Plan Set as prepared by Day/Stokosa
- Revised Long Environmental Assessment Form as prepared by Day/Stokosa
- Written Response to comments as prepared for the December 17, 2020 Planning Board meeting
- Renderings as prepared by Day/Stokosa
- As-of Right Analysis as prepared by Day/Stokosa
- NYS OPRHP Correspondence
- NYS DOT Highway Work Permit Application as prepared by Day/Stokosa
- Sewer Easement Description
- Site Survey
- Revised Building Elevations as prepared by Day/Stokosa
- Revised Building Floor Plans as prepared by Day/Stokosa

**March 18, 2021 Planning Board Meeting Submission**

*(Request to be removed from the agenda, but submission was circulated for review to Town staff and consultants – comments were provided to the applicant to complete a written response to comments)*

- Revised Site Plan Set as prepared by Day/Stokosa
- Revised Long Environmental Assessment Form as prepared by Day/Stokosa
- Written Response to comments as prepared for the February 18, 2021 Planning Board meeting
- SWPPP Report as prepared by Day/Stokosa
- Revised Building Elevations as prepared by Day/Stokosa
- Revised Building Floor Plans as prepared by Day/Stokosa

**April 15, 2021 Planning Board Meeting Submission**

*No materials received and application as adjourned to May 20, 2021.*

**May 20, 2021 Planning Board Meeting Submission**

- Revised Site Plan Set as prepared by Day/Stokosa
- Written Response to comments as prepared for the March 18, 2021 Planning Board meeting
- Traffic Impact Study as prepared by Colliers Engineering and Design
- Revised SWPPP as prepared by Day/Stokosa
- Revised Building Elevations as prepared by Day/Stokosa
- Revised Building Floor Plans as prepared by Day/Stokosa
- NYS DOT Correspondence