

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____
- (b) Financial assistance (e.g. grant, loan, subsidy) _____
- (c) Permit, license, certification X

2. Describe nature and extent of action: Redevelopment of the northern portion of the former Tuck

Industries site as a multifamily residential development and office building. A greenway trail for public use is
proposed along the Fishkill Creek.

3. Location of action:

<u>Dutchess</u>	<u>City of Beacon</u>	<u>Tioronda Ave and 465 Wolcott Ave</u>
County	City, Town or Village	Street or Site Description

4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

(a) Name of applicant: Beacon 248 Holdings, LLC (Bernard Kohn)

(b) Mailing address: 120 Route 59 Suite 201, Suffern, NY 10901

(c) Telephone Number: Area Code (917) 696-4402

(d) State agency application number: _____

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes _____ No X If yes, which federal agency? _____

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

	<u>YES</u>	<u>NO</u>
(a) Significant fish or wildlife habitats?		<u>X</u>
(b) Scenic resources of statewide significance? .. (Hudson Highlands)	<u>X</u>	
(c) Important agricultural lands?		<u>X</u>

2. Will the proposed activity have a significant effect upon:

(a) Commercial or recreational use of fish and wildlife resources?		<u>X</u>
(b) Scenic quality of the coastal environment?		<u>X</u>
(c) Development of future, or existing water dependent uses?		<u>X</u>
(d) Operation of the State's major ports?		<u>X</u>
(e) Land and water uses within the State's small harbors?		<u>X</u>
(f) Existing or potential public recreation opportunities?		<u>X</u>
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?		<u>X</u>

3. Will the proposed activity involve or result in any of the following:

(a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?	<u>X</u>	
(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?		<u>X</u>
(c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?		<u>X</u>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?		<u>X</u>
(e) Mining, excavation, filling or dredging in coastal waters?		<u>X</u>
(f) Reduction of existing or potential public access to or along the shore?		<u>X</u>
(g) Sale or change in use of state-owned lands located on the shoreline or under water?		<u>X</u>
(h) Development within a designated flood or erosion hazard area?		<u>X</u>
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?		<u>X</u>

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program?

X _____

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN one copy of the Completed Coastal Assessment Form shall be submitted to:

New York State Department of State
Division of Coastal Resources
41 State Street, 8th Floor
Albany, New York 12231

If assistance of further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

Please refer to attachment.

Preparer's Name: Deborah Hubbard, Chazen Engineering, Land Surveying, & Landscape Architecture Co., D.P.C.
(Please print)

Title: Planner Agency: _____

Telephone Number: (845) 486-1529 Date: February 11, 2019

BEACON 248 DEVELOPMENT, LLC, PROPOSED MULTI-FAMILY DEVELOPMENT CONSISTENCY WITH CITY OF BEACON LOCAL WATERFRONT REVITALIZATION PROGRAM

Please refer to the Full Environmental Assessment Form (FEAF) Part 1 revised January 30, 2019, the Special Use Permit/FCD Application revised October 15, 2018, the visual simulations, architectural elevations, and cross-sectional views, which further support the conclusion that the proposed project is consistent with the City of Beacon Local Waterfront Revitalization Program policies.

DEVELOPMENT POLICIES

POLICY 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial and industrial, cultural, recreational and other compatible uses.

The project consists of the redevelopment of the northern portion of the former Tuck Industries site as a multifamily residential development and an office building, with associated parking. A greenway trail for public use is proposed along the Fishkill Creek. The project places the proposed development almost totally within the existing disturbed area of the former Tuck Tape buildings. The City of Beacon Zoning Law Section 223-41.13.B specifically permits “attached apartment and multifamily dwellings” and “professional and business offices in buildings that face streets” in the FCD district. The proposed density of 64 residential units is also permitted by zoning, and the proposed office building meets the minimum non-residential space requirement. The City’s Comprehensive Plan encourages residential and mixed-use development at these old industrial sites.

POLICY 1A

Establish waterfront commercial and residential uses on long dock peninsula to serve as a catalyst for the economic and physical revitalization of the entire waterfront area.

Not applicable to this project.

POLICY 1B

Structurally and aesthetically improve the deteriorated harbor area between long dock and Riverfront Park to a level compatible with surrounding recreational uses.

Not applicable to this project.

POLICY 1C

Develop the parcel between the southern Dutchess County Club and the Hudson River for low density residential use.

Not applicable to this project.

POLICY 1D

Establish uses and streetscapes in the urban renewal project #1 area that provide visual, physical and economic linkages between the waterfront and the central business district, and that will help redevelop the urban renewal area in an environmentally sensitive manner.

Not applicable to this project.

POLICY 1E

Develop the underutilized parcel on Denning's Avenue for residential and light industrial uses compatible with the existing adjacent sewage treatment plant.

Not applicable to this project.

POLICY 2

Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Not applicable to this project.

POLICY 2A

Develop water-dependent and water-enhanced uses in the long dock, and harbor areas, particularly marinas, boat launching ramps, moorings, and related facilities.

Not applicable to this project.

POLICY 2B

Develop Denning's Point for low intensity water-dependent and water-enhanced recreational uses (e.g. hiking, bird watching and educational activities).

Not applicable to this project.

POLICY 3

The state coastal policy regarding development of major ports is not applicable to Beacon.

POLICY 4

The state coastal policy regarding the strengthening of small harbors is not applicable to Beacon.

POLICY 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

The proposed project consists of a 64-unit multifamily development and an office building within the City's FCD district. The project will be served by municipal water and sewer service. The FCD district allows both residential and commercial uses.

POLICY 5A

Improve sewer and water services at Denning's Point, long dock, and Riverfront Park.

Not applicable to this project.

POLICY 6

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Policy noted. The proposed project represents the redevelopment of an abandoned industrial site for a multifamily development and office building at a suitable location along the Fishkill Creek.

FISH AND WILDLIFE POLICIES

POLICY 7

Significant coastal fish and wildlife habitats, as identified on the coastal area map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.

POLICY 7A

The Fishkill Creek estuary and marsh shall be protected, preserved, and, where practical, restored so as to maintain its viability as a habitat.

The proposed development is located approximately within the same footprint as the former industrial development. The proposed site plan provides an average 75-foot buffer from the Fishkill Creek, with a minimum setback of 45 feet and a maximum setback of 110 feet, which exceeds the City's minimum required average buffer of 50 feet and minimum required buffer of 25 feet. The layout was designed to preserve existing vegetation and significant trees along the creek and to avoid 100-year floodplain areas and steep slopes.

As a redevelopment project with an increase in overall impervious area, treatment of stormwater will be provided for 100% of the additional new impervious area and 25% of the existing disturbed impervious area. The project proposes to use a combination of standard stormwater management practices and alternative practices. Practices selected include bioretention basins and hydrodynamic separator units. The site will continue to discharge stormwater runoff to the Fishkill Creek. A downstream analysis has been performed. Pre- and post-development surface runoff rates have been evaluated for the 1-, 10-, and 100-year 24-hour storm events. Comparison of pre- and post-development watershed conditions at the design point in the Fishkill Creek demonstrate that the project will not have a significant adverse impact on the adjacent or downstream properties or receiving water courses. Temporary vegetation sufficient to stabilize the soil will be provided on all disturbed areas as needed to prevent soil erosion, in accordance with the SWPPP. New planting shall be given sufficient water, fertilizer and protection to ensure establishment.

POLICY 8

Protect fish and wildlife resources in the (encouraged) coastal area from the introduction of hazardous wastes and other pollutants, which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

POLICY 8A

Prohibit the discharge of untreated effluent and pollutants from commercial and industrial facilities along Fishkill Creek.

Not applicable to this project.

POLICY 9

Expand recreational use of fish and wildlife in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.

POLICY 9A

Improve public access to the water for fishing and passive recreation uses through the acquisition of land and/or easements on the Hudson between long dock and Dennings Point, and on the banks of Fishkill Creek.

The proposed project includes the construction of a greenway trail along the Fishkill Creek that extends along the easterly boundary of the property along the Creek. The trail extends a distance of approximately 1,830 feet, representing a significant addition to the City's proposed FCG&H Trail Master Plan fulfillment. This trail will connect to Wolcott Avenue along the emergency access. It will connect to the Sisters property to the South. Public access to the trail is also provided from Tioronda Avenue. The proposed greenway trail represents a significant benefit to the City of Beacon and the community.

POLICY 10

Further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (a) encouraging the construction of new or improvement of existing on-shore commercial fishing facilities; (b) increasing marketing of the state's seafood products; and (c) maintaining adequate stocks and expanding aquaculture facilities. Such efforts shall be made in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.

Not applicable to this project.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Please refer to the response to Policy 7A. No construction is proposed within the 100-year floodplain (Zone AE).

POLICY 12

The state coastal policy regarding preservation of erosion natural protective features is not applicable to Beacon.

POLICY 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Please refer to the response to Policy 7A regarding stormwater management and erosion control.

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations.

Please refer to the response to Policy 7A regarding stormwater management and erosion control. No construction is proposed within the 100-year floodplain (Zone AE).

POLICY 15

Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Not applicable to this project.

POLICY 16

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Not applicable to this project.

POLICY 17

Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (a) the set back of buildings and structures; (b) the planting of vegetation and the installation of sand fencing and draining; (c) the reshaping of bluffs; and (d) the flood-proofing of buildings or their elevation above the base flood level.

Please refer to the response to Policy 7A.

GENERAL POLICY

POLICY 18

To safeguard the vital economic social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resources areas.

The proposed project involves market rate residential housing and an office building, along with a public greenway trail along the Fishkill Creek which can be connected to trails on adjacent properties along the Creek. The site plan has been designed to limit disturbance in the areas near the top of bank along the Creek; to effectively place the new construction within the disturbance areas of the old factory development; to limit the visibility of parking by placing a portion of the parking spaces within a parking garage located below grade; to create privacy for portions of the greenway trail by separating the grades of the project and the trail areas. The proposed public greenway trail represents a significant benefit to the City of Beacon and the community.

PUBLIC ACCESS POLICIES

POLICY 19

Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.

POLICY 19A

Improve pedestrian access to the Hudson River front through the provision of pedestrian bridges over tunnels under the railroad tracks.

Not applicable to this project.

POLICY 19B

Repair or replace the bridge over the railroad tracks at long dock to serve riverfront park, the railroad station and long dock.

Not applicable to this project.

POLICY 19C

Restore water access to the beacon riverfront to enable larger vessels (i.e. the sloop Clearwater) to dock in the harbor through a program of careful dredging and stabilization of the harbor.

Not applicable to this project.

POLICY 20

Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

POLICY 20A

The possibility of a pedestrian path should be explored along the railroad right-of way on the east bank of Fishkill Creek. A pedestrian path should also be encouraged from Denning's Point to Riverfront Park in a manner which provides significant opportunities to view the shoreline.

Please refer to the response to Policy 9A.

POLICY 21

Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over nonwater related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to tile recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.

POLICY 21A

Establish support facilities at Riverfront Park to increase its attractiveness and its capacity as an open space site for passive recreational uses including boating and fishing.

Not applicable to this project.

POLICY 21B

Develop the north, south, and west shorelines of the long dock peninsula including the harbor area for water-dependent recreational uses such as fishing, walking and boating.

Not applicable to this project.

POLICY 21C

Preserve the underdeveloped green valley floor of the Fishkill Creek for passive recreational uses including a tramway.

Please refer to the response to Policy 9A.

POLICY 21D

Establish a linear recreational path along the narrow strip of land west of the railway between long dock and Denning's Points.

Not applicable to this project.

POLICY 21E

Establish linear and open space recreational uses on the perimeter of Denning's Point while preserving the rest of the peninsula as a wildlife sanctuary.

Not applicable to this project.

POLICY 21F

Establish an access path to fisherman's point on Riverfront Park.

Not applicable to this project.

POLICY 22

Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonable anticipated demand for such activities and the primary purpose of the development.

POLICY 22A

New developments along the riverfront especially at long dock, and Fishkill Creek should provide for water-related recreation, and should also set aside open space for passive recreation.

Please refer to the response to Policy 9A.

POLICY 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities or the nation.

The project site is not adjacent to any properties listed on the National or State Register of Historic Places. It is also not in the City's Historic Overlay zone. The Wolcott Avenue bridge over the Fishkill Creek (aka Cooperation Bridge) was determined to be eligible for listing on the Register (evaluated under NYSOPRHP Project Number 93PR0331, USN 02741.000362). An architectural survey was conducted along Wolcott Avenue just east of Fishkill Creek and the project area for proposed resurfacing of NY Route 9D (State University of New York at Stony Brook 1997). The survey identified several properties as potentially eligible for the National Register, recommending a proposed district to include the already listed St. Luke's Episcopal Church and associated structures, the Cooperation Bridge across Fishkill Creek, two cemeteries, and three 19th-century structures.

A Phase 1A Literature Review and Archeological Sensitivity Assessment dated July 2013 was prepared by Hartgen Archeological Associates, Inc. The Phase 1A report for the project site concluded that, as a result of the impacts related to the continuous industrial development of the property combined with the impacts surrounding the removal the buildings associated with the New York Rubber Company facility, it

*The Chazen Companies
February 26, 2019*

is likely that no significant cultural deposits specific to the early to mid-19th century development of the property remain. The report recommended further consultation with OPRHP to determine if additional documentation may be necessary.

The Phase 1A report was submitted to NYSOPRHP for review. According to correspondence from NYSOPRHP dated December 23, 2013, NYSOPRHP concludes that the massing of the proposed buildings is appropriate for the site and determined that the project will have No Adverse Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.

POLICY 23A

Encourage the restoration and adaptive reuse of large historic estates, such as the mill buildings on Fishkill Creek.

Not applicable to this project.

SCENIC QUALITY POLICIES

POLICY 24

The state coastal policy regarding scenic resources of statewide significance is not applicable to Beacon.

POLICY 25

Protect, restore and enhance natural and manmade resources which are not identified as being of state-wide significance, but which contribute to the scenic quality of the coastal area.

POLICY 25A

The following view sheds will be protected:

- 1. Main Street & Route 9d***
- 2. Beacon Street & Route 9d***
- 3. Rombout Avenue & Route 9d***
- 4. Route 9d & Wolcott Avenue***
- 5. South Avenue & Route 9d***
- 6. Denning's Avenue at South Avenue***
- 7. Sargent Avenue at St. Lawrence Seminary***
- 8. South Avenue '4 Num West of Denning's Avenue***
- 9. Paye Street***
- 10. River Street and Beekman Street***
- 11. Southwest View from Wolcott Avenue 200 Feet West Of Bayview Avenue***
- 12. West View from Wolcott Avenue 200 Feet West Of Bayview Avenue***
- 13. Northwest View from Wolcott Avenue 200 Feet West Of Bayview Avenue***

The City's Local Waterfront Revitalization Plan designates 13 local viewsheds under Policy 25A that are designated for protection. The proposed development is not within any of the designated viewsheds. The project site is located within the Hudson Highlands Scenic Area of Statewide Significance. The proposal follows the applicable LWRP recommendations for developing in scenic view sheds: Development is set back from the shoreline to preserve the privacy and grade-separation of the pedestrian trail along the Creek. The project review has considered views from the Fishkill Creek itself and from neighbors on the east side of the creek, as well as views from the bridge over the creek at Wolcott Avenue, and views of

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Mt. Beacon from Tioronda Avenue. The proposed project represents redevelopment of a former industrial site, and therefore, represents a significant visual improvement over the former use of the site. The proposed project provides a minimum buffer of 45 feet and an average buffer of 75 feet from the creek, which exceeds the minimum required buffer of 25 feet and the minimum average required buffer of 50 feet. The project avoids the steeper slopes and floodplain areas. The proposed buildings are designed to be architecturally pleasing from all sides and will be consistent with other buildings in the City. Earthtone colors have been chosen to blend in with the environment. Proposed retaining walls will be segmental concrete block walls in earthtone colors. Extensive existing natural vegetation between the project and the creek will help screen the buildings from views across the creek. Additional new landscaping along the creek includes native species such as red maples and northern red oaks, as well as shrubs such as the Southern Gentleman Winterberry and Winter Red Winterberry. Visual simulations were prepared from selected viewpoints to demonstrate that the project will not have any significant impacts on views from the west.

AGRICULTURAL LANDS POLICY

POLICY 26

The state coastal policy regarding the conservation of agricultural lands is not applicable to Beacon.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27

Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Not applicable to this project.

POLICY 28

Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.

Not applicable to this project.

POLICY 29

The state coastal policy regarding the development of energy resources on the outer continental shelf is not applicable to Beacon.

WATER AND AIR RESOURCES POLICIES

POLICY 30

Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

POLICY 30A

The discharge of pollutants from the former Beacon landfill should be eliminated.

Not applicable to this project.

POLICY 30B

Discharges from the Beacon sewage treatment plant will meet state standards for secondary treatment.

Not applicable to this project.

POLICY 31

State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Not applicable to this project.

POLICY 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

POLICY 32A

Encourage the use of alternative or innovative sanitary waste systems at Riverfront Park, the harbor area at long dock and Denning's Point. Should long dock or any waterfront property be developed in the future, state of the art low flow fixtures and water saving devices should be required to reduce the demand for water and reduce the flow to the sewage treatment facilities. Developers, where practicable, should be required to follow the guidelines in the New York State municipal model water conservation plan.

Not applicable to this project. The project will be served by municipal water and sewer service.

POLICY 33

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

POLICY 33A

Regulate construction in steeply sloped and high erosion areas to control excessive stormwater runoff.

Please refer to the response to Policy 7A.

POLICY 34

Discharge of waste materials from vessels into coastal waters will be limited so as to protect coastal significant fish and wildlife habitats, recreational areas and water supply areas.

POLICY 34A

New marinas will be required to provide pumpout facilities.

Not applicable to this project.

POLICY 35

Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

POLICY 35A

Dredging shall not occur during fish spawning season and will not be carried out without a U.S. Army Corps of Engineers section 10 and/or 404 permit, and/or DEC part 608 and 663 permits.

Not applicable to this project.

POLICY 35B

Spoils should not be deposited in wetlands or significant fish and wildlife habitats as identified in the LWRP inventory.

Not applicable to this project.

POLICY 35D

Groundwater contamination shall be avoided.

The proposed project will be served by municipal water and sewer service. Please refer to the response to Policy 7A for stormwater management information. No discharge to groundwater will occur as a result of the proposed project.

POLICY 35E

Spoils site design will incorporate considerations for natural features, viewsheds, and shall, where feasible, conform to existing land form.

Not applicable to this project.

POLICY 35F

No deposition shall occur without testing of sample soils for toxicity.

Not applicable to this project.

POLICY 35G

Toxic or hazardous dredge spoils shall not be deposited within the waterfront boundary. The potential of worked out mines as dredge spoil sites will be investigated.

Not applicable to this project.

POLICY 36

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Not applicable to this project.

POLICY 37

Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters.

A SWPPP has been prepared for this project which utilizes best management practices to control the quantity and quality of stormwater runoff both during construction and after project completion. Please refer to the response to Policy 7A for additional information regarding stormwater management.

POLICY 38

The quality and quantity of surface water and groundwater supplies will be conserved and protected particularly where such waters constitute the primary or sole source of water supply.

Not applicable to this project.

POLICY 39

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.

Not applicable to this project.

POLICY 40

Effluent discharged from major steam electric generating and industrial facilities into facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Not applicable to this project.

POLICY 41

Land use or development in the coastal area will not cause national or state air quality standards to be violated.

The proposed construction may result in the temporary generation of dust from open sources, such as land clearing and vehicle travel on unpaved areas during construction. The majority of soil dust emissions are expected to settle out within a few feet of the area of disturbance. Watering of all exposed soil and rapidly stabilizing the regraded areas with topsoil, loam and/or seeding will prevent the blowing of smaller dust particles off-site. After the proposed construction is completed, the proposed project will have no potential for significant impacts on air quality.

POLICY 42

Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.

Not applicable to this project.

POLICY 43

Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

Not applicable to this project.

POLICY 44

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

POLICY 44A

Preserve and protect the Fishkill Creek marsh to maintain its many intrinsic values.

Please refer to the response to Policy 9A.