

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR CONCEPT PLAN, SITE PLAN, SUBDIVISION AND
VARIANCE APPROVALS FOR 23-28 CREEK DRIVE**

Parcel No. 6054-37-037625

CONCLUSIONS

Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action (Unlisted), along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the City of Beacon Planning Board, undergoing an uncoordinated review, provides the following rationale for its SEQRA Determination.

Project Description:

The Proposed Action is to allow construction of a mixed-use development on the former City Department of Public Works (DPW) site with a total of eight (8) apartments and 20,000 square feet of commercial space (the “Proposed Action” or “Project”) on property consisting of approximately 2.81 acres adjacent to Fishkill Creek and located at 23-28 Creek Drive in the Fishkill Creek Development (FCD) Zoning District (the “Property”). The Proposed Action includes a request for approval of a Concept Plan, Site Plan and Subdivision (lot line adjustment), and the following variances: (1) parking variance to allow 93 spaces where 113 are required; (2) building height variance to allow a 4-story building where a maximum of 3-stories are permitted; (3) building height variance to allow a 53.5’ building where a maximum of 40’ is permitted; and (4) a variance to permit two (2) of the eight (8) apartments to exceed the maximum size of 2,000 square feet. A Greenway Trail segment and public park are also proposed as part of the Project.

The Proposed Action is an Unlisted action. The Planning Board opened a public hearing to consider comments on the Proposed Action on April 9, 2019. The public hearing was closed on June 11, 2019.

Summary of Rationale for Negative Declaration

The Proposed Action will not result in any significant adverse impacts on the environment. In summary:

- **Impact on Land: The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.**

The Property is currently improved with several buildings previously used by the City DPW. The Project would include demolition of these buildings and to construct the proposed mixed-use development with grading and site work associated with such construction. Based on the information set forth herein, the Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the Property.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.**

There are no unique geological features on the Property.

- **Impacts on Surface Water and Groundwater: The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.**

Since site disturbance will exceed 1-acre, a Stormwater Pollution Prevention Plan is required to obtain coverage under the NYSDEC SPDES General Permit GP-0-15-002. The Project will result in a slight decrease in impervious area as compared to existing conditions, so pursuant to NYSDEC Stormwater Manual requirements the Project requires water quality control for 25% of the impervious surface coverage, as well as erosion and sediment control measures.

A Preliminary Stormwater Pollution Prevention Plan, prepared by Hudson Land Design, has been reviewed by the Planning Board and the City Engineer. The City Engineer has confirmed that the general design of the SWPPP appears acceptable. Prior to finalizing the SWPPP, infiltration tests will need to be conducted at the locations of the two (2) proposed infiltration systems. Sizing information for the hydrodynamic separators will also be provided prior to finalizing the SWPPP.

See response re Human Health, below, concerning groundwater quality.

The Project does not include or require wastewater discharged to groundwater. The Project will be connected to the existing public water distribution and sanitary sewer systems. Water usage and liquid waste generation is anticipated to be 2,940 gallons per day. Adequate water supply and sewer capacity exist for these flows. A new sewer service connection will be provided at the proposed building and all existing service connections on-site will be disconnected to the City's mains and capped in place or removed. This will eliminate any inflow and infiltration issues that may be occurring as a result of the existing service connections.

The Proposed Action will not result in any significant adverse impact to surface or groundwater quality or quantity.

- **Impact on Flooding: The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.**

Portions of the site are within the 100 year flood plain. The Project design avoids disturbances within the flood plain to the greatest extent practicable, but some areas in the flood plain are proposed to be disturbed. A portion of the proposed building is located within the 100 year flood plain which results in 312.16 cubic yards of fill within the flood plain. In accordance with Chapter 123 (Flood Damage Prevention) of the City Code, the fill in the floodplain is mitigated near the south end of the Site where 336.72 cubic yards of existing material is proposed to be removed for a net removal of 24.56 cubic yards. This provides additional available floodplain storage post-development.

A Flood Mitigation Calculation Plan, prepared by Hudson Land Design Professional Engineering, P.C., dated March 26, 2019, last revised May 28, 2019, was submitted to the Planning Board and reviewed by the City Engineer for conformance with the requirements of Chapter 123 (Flood Damage Prevention) of the City Code. The City Engineer confirmed that the Flood Mitigation Calculation Plan is in conformance with such requirements. No disturbances are proposed within the 100 year flood way. Based on a review of the Flood Mitigation Plan, the Project is not expected to impact or change the flood plain elevation of the Fishkill Creek.

Portions of the Greenway Trail are located below the floodplain elevation so those portions of the trail could be partially inundated during flood conditions.

Fishkill Creek is classified as “C” by NYSDEC and will not require a stream bank disturbance permit. However, two proposed stormwater outfalls will require certain permits. A joint application was submitted to the U.S Army Corps of Engineers (ACOE) and NYSDEC for the Nationwide Permit for Outfall Structures in connection with the two stormwater outfalls proposed to be constructed within the bank of Fishkill Creek. NYSDEC has issued a blanket Water Quality Certification dated May 22, 2019 after determining the Project is eligible for coverage under such blanket WQC. Any modification to the stormwater outfalls as shown on the plans received by NYSDEC on May 6, 2019 will require an updated determination from NYSDEC. Thus, an individual WQC permit is not required from NYSDEC. According to the Applicant, ACOE has acknowledged that the proposed disturbances to the streambank for floodplain mitigation are not within their jurisdiction and that the proposed work must be performed in accordance with FEMA and City of Beacon Regulations.

Therefore, the Project will not have a significant adverse impact on or alter drainage flows or patterns, or surface water runoff.

- **Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.**

Construction activities associated with grading and excavation could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities, including removal of existing impervious surfaces and vegetation, and site grading. These unavoidable short term impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local codes.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

Approximately twenty-eight (28) trees over 6" caliper are proposed to be removed within the limits of disturbance. All other major trees are proposed to remain. A Landscape Plan has been prepared which will be finalized during the Site Plan review stage. The Landscape Plan proposes the planting of approximately twenty-eight (28) new trees.

- **Impact on Agricultural Resources: The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

There are no agricultural resources in the vicinity of the Property.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views. The Proposed Action will be visible from Fishkill Creek but the aesthetics of the site will be far improved from the existing condition of a DPW facility. Further, public viewing of Fishkill Creek from the Site will be enhanced by providing a Greenway Trail segment and a public park at the south end of the site.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

The Project is located in close proximity to the State and National Register eligible Upper Main Street Historic District. However, the Project is set back a distance from the Main Street/Churchill Street corridor. Moreover, the proposed architecture and

layout of the Project is not in direct conflict with the Upper Main Street Historic District.

By letter dated May 23, 2019, NYS Historic Preservation Office (SHPO) cited the Upper Main Street Historic District and found that the Project will have “No Adverse Effect” to historic and cultural resources. By email dated May 17, 2019, SHPO also confirmed that based on information concerning the historic disturbance and development on the Property, the potential for the presence of archeological resources is low.

Therefore, the Project will not have a significant adverse impact on historic or archeological resources.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The area of the Proposed Action is not designated as open space by the City of Beacon. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

The Applicant submitted a traffic report prepared by Maser Consulting P.A., dated March 25, 2019 to review the traffic impacts associated with the Project. Based on data provided by the Institute of Transportation Engineers (ITE) as contained in their publication Trip Generation, 10th Edition dated 2017, the Project is estimated to generate approximately 45 total trips during the AM Peak Hour and approximately 51 total trips during the PM Peak Hour. Capacity analyses were conducted utilizing Existing, No-Build and Build Traffic Volumes to determine the existing and future operating conditions in the vicinity of the Property. The results indicate that the site generated traffic can be accommodated on the area roadways without significant impacts to operating conditions at the study area intersections. The study area intersections included: (1) Tioronda Avenue & Main Street; (2) Churchill Street & Main Street; (3) Creek Road & Churchill Street; and (4) Churchill Street & Beacon City Municipal Lot/Site Access. The traffic report by Maser Consultant was reviewed by the City’s Traffic Engineer, Creighton Manning Engineering, LLP. Creighton Manning

generally concurred with the results after confirming that the 2017 traffic data was appropriately adjusted to account for growth and new projects since 2017.

Based on the professional traffic impact review, the Project will not create a significant adverse traffic impact.

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The existing energy infrastructure will adequately serve the additional demand. The Proposed Action does not require a new substation, or an upgrade to any existing substation.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.**

The Proposed Action is not anticipated to generate any noxious odors. Outdoor lighting will be consistent with typical residential lighting and will include building mounted lights and pole mounted lights. All lighting shall be shielded and pointed downward. Noise impacts associated with the proposed Project will be limited to temporary impacts generated during construction. Temporary noise impacts associated with construction will be mitigated by limiting construction activities to the hours between 7:00 a.m. and 5:00 p.m Monday-Friday, and 8 a.m. – 5 p.m on Saturday. It is not anticipated that blasting will be necessary during the proposed construction. If blasting does become necessary, it will be performed in accordance with all applicable state and local requirements. In addition, there will be no significant noise impacts post-construction.

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

Based upon soil testing conducted at the site, and the findings of those tests, a spill number was opened with NYSDEC by the Applicant's environmental engineer. Remediation of the site will be conducted where petroleum contamination was found, and the potential for groundwater contamination shall be assessed during remediation. The Applicant will prepare a remediation work plan for submittal to NYSDEC in accordance with NYSDEC requirements. A copy of the remediation work plan will also be submitted to the City of Beacon for informational purposes. No building permit should be issued for the Project until site remediation has been completed as determined by NYSDEC. Any additional contamination discovered during construction which requires remediation shall be remediated in accordance with all State and local laws, rules and regulations.

- **Consistency with Community Plans and Community Character: The Proposed Action is not inconsistent with adopted community plans and community character.**

The Proposed Action is generally consistent with the Comprehensive Plan and City Zoning Code.

Based upon this information and the information in the Full Environmental Assessment Form, the Zoning Board of Appeals finds that the Proposed Action will not have any significant adverse impacts upon the environment. .

Adopted: July 9, 2019
Beacon, New York

Motion by _____, seconded by _____:

Gary Barrack	Voting:	Jill Reynolds	Voting:
David Burke	Voting:	Randall Williams	Voting:
Patrick Lambert	Voting:	John Gunn, Chairman	Voting:
Rick Muscat	Voting:		

Approved _____
Denied _____