

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: City of Beacon Local Law concerning the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts							
Project Location (describe, and attach a location map): City of Beacon							
Brief Description of Proposed Action: The proposed local law amends the Zoning Code of the City of Beacon to provide that for all R1, RD and Fishkill Creek Development Zoning Districts involving a total lot area of more than three acres, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development "very steep slopes" of 25 percent or more as defined in Section 223-63 of the Code of the City of Beacon. The proposed local law also amends the definition of very steep slopes set forth in Section 223-63 to better describe the type of steep slopes that exist within the City of Beacon, specifically to define very steep slopes as an area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet.							
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-838-5000 E-Mail: Mayor@cityofbeacon.org					
Address: 1 Municipal Plaza							
City/PO: City of Beacon		State: NY	Zip Code: 12509				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>City of Beacon</u> Date: <u>5/21/18</u> Signature: <u>Sam Zorich, esq on behalf of the City of Beacon</u>		

**CITY OF BEACON  
One Municipal Plaza  
Beacon, New York 12508  
(845) 838-5000**

**Short Environmental Assessment Form- Part 1**

Question 1: Narrative

The proposed local law amends the Zoning Code of the City of Beacon to provide that for all development proposals involving a total lot area of more than three acres or more within a R1, RD and Fishkill Creek Development Zoning Districts, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland, and/or within an area of very steep slopes of 25 percent or more as defined in Section 223-63 of the Code of the City of Beacon. This law will decrease the total net development area a developer may use in calculating the maximum number of dwelling units permitted on a lot within the R1, RD and Fishkill Creek Development Zoning Districts, which contain the above sited environmental features. The proposed local law also amends the definition of very steep slopes set forth in Section 223-63 to better define the type of very steep slopes that exist in the City, which tend to be long and narrow areas.

The maximum number of dwellings permitted on a lot is calculated by dividing the total net development area by the minimum lot area per dwelling unit required for each residential zoning district as set forth in the Zoning Code of the City of Beacon. The total net development area is the total lot area of the property available after subtracting any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland or within an area of very steep slopes of 25 percent or more. The purpose of the proposed local law is to regulate development to protect the City and certain environmentally sensitive features. The City's objective is to ensure that development density is reasonably related to land capabilities, with lower densities maintained on lands least able to support intensive uses due to natural features such as steep slopes and wetlands. The City Council believes that the restrictions imposed by the proposed local law will protect the environment and the health, safety and welfare of the City and its residents.

**Agency Use Only [If applicable]**

<b>Project:</b>	Local Law-Net Development Area
<b>Date:</b>	May 8, 2018

***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attached.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>City of Beacon</u>	<u>5/21/18</u>
Name of Lead Agency	Date
<u></u>	<u></u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u></u>	<u>James Lomida, Esq.</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

City of Beacon City Council

May 8, 2018

**Proposed Action:** Local Law to Amend Chapter 223, concerning calculation of Lot Area per Dwelling Unit in the R1, RD, and Fishkill Creek Development Districts.

### **Short Environmental Assessment Form**

#### **Part 3- Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance**

The proposed action discussed in Parts 1 and 2 of this Full Environmental Assessment Form involves proposed amendments to Chapter 223, Attachment 1 of the Code of the City of Beacon entitled “§223-17C, Schedule of Regulations For Residential Districts” and Chapter 223, Article IVC entitled “Fishkill Creek Development District,” concerning the calculation of lot area per dwelling unit. The proposed local law amends the Zoning Code of the City of Beacon (“Zoning Code”) to provide that for all development proposals in the R1, RD and Fishkill Creek Development Zoning Districts involving a total lot area of more than three acres, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland, or with existing pre-development very steep slopes of 25 percent or more as defined in Section 223-63 of the Zoning Code. The goal of this local law is to promote proper and sustainable residential development in the City.

The maximum number of dwellings permitted on a lot is calculated by dividing the total net development area by the minimum lot area per dwelling unit required for each residential zoning district as set forth in the Zoning Code. The total net development area is the total lot area of the property available for development after subtracting any lot area covered by surface water, or located with a state or federally regulated wetland, or land with very steep slopes of 25% or more. This calculation of net development area excludes lands that are not suitable for development and ensures that development density is reasonably related to land capabilities, with lower densities maintained on lands least able to support intense uses due to natural features such as steep slopes and wetlands. Adoption of the proposed local law will potentially decrease the development intensity on some sites, but this will reduce the overall environmental impacts on sensitive natural areas and ensure that development density is reasonably related to land capabilities, as recommended in the 2017 Comp Plan Update on page 111.

Under the existing City Zoning Code developers are prohibited or strongly discouraged from developing on lands that are covered by surface water, lands within a floodway or wetland and on lands with steep slopes. Under Section 123-14B(2) of the Zoning Code, no new construction is permitted in a regulatory floodway. Under Section 123-16B of the Zoning Code, no building, development, or construction of site improvements is permitted on very steep slopes unless the approval authority has determined “(1) that there is no other suitable alternative area within the lot available for the proposed use, improvement or development of such lot; (2) that the activity proposed is the minimum necessary to make reasonable use of the land; (3) that all feasible construction standards and precautions will be taken to assure

**Proposed Action:** Local Law to Amend Chapter 223, concerning calculation of Lot Area per Dwelling Unit in the R1, RD, and Fishkill Creek Development Districts.

that environmental impacts will be minimized; and (4) that the purpose and intent of this section are satisfied to the maximum degree feasible.” There are approximately 30 acres of very steep slopes in the City, according to the 2017 Comp Plan Update, page 100. Very Steep Slopes are defined in the City Zoning Code as “an area of land with a gradient of 25% or more extending over a horizontal length of at least 100 feet and extending over a horizontal width of at least 100 feet.” This definition does not often fit the type of steep slopes in the City of Beacon, which generally tend to be long and narrow sections of very steep slopes. The revised definition uses the same overall area, but includes narrower configurations in the standard. Under Section 223-16A of the Zoning Code, a developer is prohibited from altering or developing in any wetland or watercourse area. In the City, approximately 72 acres of wetlands are protected by the Army Corps of Engineers.

The proposed local law further discourages development on environmentally sensitive features because such areas are not calculated towards net development area. A developer is more likely to develop on flat, unconstrained surfaces, instead of trying to get approval from the Planning Board, or other approval authority, to develop, for example, at considerable cost on very steep slopes.

Development on environmentally constrained lands results in denser clustered developments. The same amount of density permitted as is permitted on unconstrained lands is forced on smaller portions of developable land, located close to environmentally sensitive features. Dense developments located in close proximity to wetlands, floodways and steep slopes can still result in major impacts to such areas. These dense clustered developments present new concerns and can still impact the surrounding constrained areas. This local law addresses this concern by ultimately reducing density on lots impacted by environmental constraints.

Furthermore, the proposed local law furthers the goals of the City’s 2017 Comprehensive Plan Update. Specifically, the 2017 Comprehensive Plan Update provides that the City should focus on the following goals and objectives:

- Preserve environmentally significant features and create an open space system of sufficient size to reserve adequate areas for the protection of water related resources, wildlife, and land forms of particular environmental value.”(2017 Comprehensive Plan Update p. 110).
- Encourage high environmental standards for development and infrastructure. (*Id.*)
- Ensure that development density is reasonably related to land capabilities, with lower densities maintained on lands least able to support intensive uses due to natural features such as steep slopes, soil types, and wetlands. (*Id.* at 111)

City of Beacon City Council

May 8, 2018

**Proposed Action:** Local Law to Amend Chapter 223, concerning calculation of Lot Area per Dwelling Unit in the R1, RD, and Fishkill Creek Development Districts.

- Discourage development which involves significant land manipulation that destroys natural topographic features and creates potential for drainage, erosion and other environmental problems. Prohibit such land manipulation in low-density areas as designated in the Land Use Plan. (*Id.* at 112).

The proposed local law will ensure that lower density developments are constructed near natural environmentally sensitive features such as surface waters, steep slopes, floodways, and wetlands because such environmental features are excluded from the available net development area. The law allows the City to ensure that development density is related to the available developable space on a lot of three acres or more. The purpose of the proposed local law is to regulate development to meet the goals set forth in the 2017 Comprehensive Plan Update and protect certain environmentally sensitive features. Therefore, the City Council determines that the Proposed Action will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement is not required.