

**TOWN OF POUGHKEEPSIE PLANNING BOARD
RESOLUTION ADOPTING THE SEQRA
STATEMENT OF FINDINGS FOR THE
MACDONNELL HEIGHTS TOWN CENTER PROJECT**

WHEREAS, Meadow View Properties LLC, Kirchhoff Properties, LLC and Industrial Retro LLC are the owners collectively of an approximately 61-acre site proposed to be developed with up to 390 residential dwelling units in apartments and townhomes; 85,000 to 180,000 SF of commercial and non-residential space; recreational amenities; and associated parking and utilities (the “Project”); and

WHEREAS, the Project site is comprised of the following parcels: 6262-04-723342, 761394, 749282, 754298, 758301, 864243 and 892195; and

WHEREAS, Kirchhoff Properties, LLC is the applicant for this Project; and

WHEREAS, the Site is located in the MacDonnell Heights Center (MHC) and Heavy Industrial (I-H) Zoning Districts of the Town Code of the Town of Poughkeepsie (“Town Code”); and

WHEREAS, on January 25, 2016 the Town of Poughkeepsie Planning Board received applications for Site Plan, Special Use Permit, and Subdivision approvals (“Applications”) from the applicant, as well as a Long Environmental Assessment Form (“EAF”) Part 1, setting forth technical details pertaining to the potential environmental impacts of the Project pursuant to the requirements of the State Environmental Quality Review Act (SEQRA”); and

WHEREAS, on February 29, 2016 the Board circulated the Applications and EAF to the identified involved and interested agencies seeking their consent to the Board acting as the Lead Agency for purposes of coordinating the environmental review of the project pursuant to 6 NYCRR 617.6; and

WHEREAS, on March 29, 2016, with no objection being received from any involved agency, the Planning Board assumed Lead Agency status; and

WHEREAS, on August 16, 2016 the Board issued a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement (“DEIS”) pursuant to 6 NYCRR 617.7, and simultaneously issued a draft scoping document for public review; and

WHEREAS, for this application, the Planning Board chose to exercise the option granted to it pursuant to the SEQRA regulations to directly undertake the preparation of the EIS (rather than have the applicant do so), and retained VHB Engineering, Surveying, and Landscape Architecture, P.C. (“VHB”) for that purpose; and

WHEREAS, VHB then prepared the initial scoping document, and subsequently the DEIS and Final Environmental Impact Statement for the Project (“FEIS”) based upon the information contained in the Applications, plans and materials provided by applicant; and

WHEREAS, on September 22, 2016, the Board held a public scoping session to identify potentially significant adverse environmental impacts related to the Project to be addressed in the DEIS, and after closing the public scoping session on September 22, 2016 accepted written comment on the draft scoping document through September 30, 2016; and

WHEREAS, on October 20, 2016 the Board adopted a Final Scoping Document in accordance with 6 NYCRR 617.8; and

WHEREAS, with the consent of the Owner, and pursuant to 6 NYCRR 617.9(a)(1), the Board authorized the preparation of a DEIS in accordance with the adopted Final Scoping Document; and

WHEREAS, VHB submitted a Draft Environmental Impact Statement to the Planning Board on September 14, 2017; and

WHEREAS, the Planning Board, after consultation with Planning Department Staff, independent consultants, and counsel, determined on September 28, 2017 that the DEIS was “adequate with respect to its scope and content for the purpose of commencing public review” pursuant to 6 N.Y.C.R.R. Section 617.9(a)(2), and circulated a Notice of DEIS Completion and Notice of Public Hearing scheduled for October 19, 2017; and

WHEREAS, the Planning Board held a duly-noticed public hearing on the DEIS on October 19, 2017, and moved to formally accept written comments on the DEIS until 4:00pm on November 1, 2017; and

WHEREAS, the Planning Board on November 1, 2017 extended the written comment period on the DEIS to November 22, 2017; and

WHEREAS, VHB submitted a draft FEIS to Planning Department Staff, and Staff, independent consultants, and counsel reviewed the draft FEIS to determine whether to accept it as complete for the purpose of distributing it to the public; and

WHEREAS, on various dates, Planning Department Staff, independent consultants and counsel provided the applicant with comprehensive comments on the draft FEIS seeking additional information and various clarifications; and

WHEREAS, on or about December 29, 2017, VHB submitted a revised draft FEIS to the Planning Board, which addressed the aforementioned comments; and

WHEREAS, on January 18, 2018, the Planning Board determined that the information submitted in the FEIS, including all responses to public comment, was complete and adequate, and directed Staff to file, publish and circulate the Notice of Completion and the FEIS in accordance with the requirements of 6 N.Y.C.R.R. Sections 617.9 and 617.12; and

WHEREAS, the Notice of Completion and the FEIS were filed, published and circulated on January 26, 2018 in accordance with the requirements of 6 N.Y.C.R.R. Sections 617.9 and 617.12; and

WHEREAS, the Planning Board received comments on the FEIS from the Arlington Fire District received February 6, 2018, and from the Lutheran Care Network dated February 9, 2018, and additional correspondence from the Town of Poughkeepsie Town Supervisor to the New York State Department Of Transportation (“NYSDOT”) dated February 14, 2018, and from MHTC Development, LLC to NYSDOT dated March 13, 2018, and the Planning Board has reviewed and considered these comment letters; and

WHEREAS, VHB, on behalf of the Planning Board, prepared a written statement of environmental findings for the Project which considers the relevant environmental impacts presented in the EIS, weighs and balances such impacts with social, economic and other essential considerations, provides a rationale for the Planning Board's decision and certifies that the SEQRA requirements have been met (the "SEQRA Findings Statement"); and

WHEREAS, Planning Department Staff, independent consultants, counsel and the applicant reviewed the draft SEQRA Findings Statement and, on various dates, provided comprehensive comments; and

WHEREAS, the SEQRA Findings Statement for the Project complies with the requirements of 6 NYCRR 617.11(a), in that more than ten days has passed since the adoption of the resolution accepting the FEIS; and

WHEREAS, the SEQRA Findings Statement, annexed hereto, sets forth the Planning Board's reasoned elaboration as to the facts and conclusions as developed in the DEIS, FEIS, and in response to public and agency comments and correspondence, and the comments of Planning Department Staff, independent consultants and counsel, all received as part of the review process relating to the potential environmental impacts of the Project; and

WHEREAS, the SEQRA Findings Statement sets forth the Planning Board's requirements, conditions and/or mitigation measures related to the Project pursuant to SEQRA; and

WHEREAS, the SEQRA Findings Statement was considered by the Planning Board at a public meeting held on March 15, 2018.

NOW THEREFORE BE IT RESOLVED that the Planning Board finds, after consideration of the final EIS, that the proposed action is approvable, and that the action chosen is the one that avoids or minimizes adverse environmental impacts presented in the EIS, and weighs and balances such impacts against social, economic and other essential considerations; and

BE IT FURTHER RESOLVED that the Planning Board hereby adopts the attached SEQRA Findings Statement for the Project as its official written findings statement pursuant to 6 N.Y.C.R.R. §617.11(c) of the SEQRA implementing regulations, and authorizes the filing and distribution of same in accordance with the requirements of 6 NYCRR 617.12, and to take such other steps as may be necessary to discharge the lead agency's responsibilities on this action.

Motion: Carl Whitehead

Second: Rocco Romeo

	<u>VOTE</u>
Chairman Weisman	YES
Member Whitehead	YES
Member Paganelli	YES
Member Romeo	YES
Member Fanelli	YES
Member Powers (alt.)	YES
Member Gemmati (alt.)	YES

The foregoing resolution was duly adopted by the vote of a majority of the members of the Town of Poughkeepsie Planning Board at a meeting held on March 15, 2018.

By: Carol A. Barone

Carol Barone, Clerk
Town of Poughkeepsie Planning Board