

***State Environmental Quality Review Act (SEQRA)  
Findings Statement***

***MacDonnell Heights Town Center***

Town of Poughkeepsie, Dutchess County, New York

**SEQRA Lead Agency:**

Town of Poughkeepsie Planning Board

1 Overocker Road

Poughkeepsie, New York 12603

**Date: March 15, 2018 - ADOPTED**

## **1.0 PROJECT DESCRIPTION**

### Location and Tax Parcels

The project site is located on both sides of Route 44 (Dutchess Turnpike) in the Town of Poughkeepsie, in Dutchess County, New York (see Exhibit 2-1, Site Location). It consists of approximately 60.87 acres on seven tax map parcels: 6262-04-723342, 6262-04-761394, 6262-04-864243, 6262-04-749282, 6262-04-758301, 6262-04-754298 and 6262-04-892195 (the Project Site).

### Description of Project

The project includes the development of a new mixed-use town center with approximately 473,267 gross square feet (gsf) of residential uses (390 residential units) and 124,995 gsf of commercial and other nonresidential uses for a total gross square footage of 598,262. The project also includes supporting infrastructure, such as driveways, roadways, sidewalks, parking areas, landscaping, open space, recreational uses, playgrounds, stormwater management facilities, and utilities. Approximately 35 acres of the Project Site would be developed and approximately 25.5 acres (42%) would be left as undeveloped open space (approximately 21.7 acres) or developed as recreational uses (approximately 3.85 acres). The project, as currently proposed, is referred to herein as the "Project"

The Planning Board has analyzed the potential environmental impacts of the Project, as set forth in this Findings Statement, based upon the plans as currently proposed. The Planning Board recognizes that, with a Project of this size, to be developed in phases over time, and given potentially changing economic realities, all of the proposed elements of the Project may not be developed exactly as set forth in the current plans. Changes to the Project would require supplemental environmental review under SEQRA if they exceed the applicable environmental impact thresholds studied in the FEIS and established in these Findings.

### Residential Program

The Project includes the construction of 390 residential units at full-build. Residential uses would consist of a variety of unit types, such as townhouses, three-story apartment buildings, apartments located above commercial uses, and live/work spaces. It is anticipated that all residential units would be rental units.

Seven two-story townhouse buildings are proposed, with three located on the west side and four located on the east side of Route 44. The townhouse buildings are proposed to contain two 2-bedroom units and two 3-bedroom units in each building, totaling 28 townhouses. The townhouses would be located on the northern edge of both the east and west side of Route 44 to

act as a smaller-scale, transitional buffer between the existing single-family residentially-zoned neighborhoods to the north and the larger apartment and commercial buildings proposed on the Project Site.

Two types of apartment buildings are proposed: center corridor buildings and breezeway/walk-up buildings. Both styles are three-stories tall but designed to portray two and a half story massing to reduce the apparent scale of the buildings. Six center-corridor buildings are proposed with three located on the west side of Route 44 and three located on the east side. The center-corridor buildings are larger than the breezeway/walk-up buildings and are proposed to contain a mix of studio, one-, and two-bedroom apartments, totaling 230 units.

Five breezeway/walk-up residential buildings are proposed on the west side of Route 44. These buildings are proposed to have a mix of one-, two-, and three-bedroom units. In total, the breezeway/walk-up buildings would contain 80 dwelling units.

The Project also includes four live/work buildings (two on each side of Route 44) and four mixed-use buildings with ground floor commercial uses and offices or residential apartments above. These buildings are three stories tall and designed to reflect traditional main streets. In total, 52 residential units are proposed in mixed-use and live/work buildings (24 units on the west side of Route 44 and 28 units on the east side of Route 44).

Two 11-bay garages are proposed for the west side of the development. These are located behind the center corridor apartment buildings. An additional 11-bay garage is proposed for the east side of the development, also located behind a center-corridor apartment building.

### Nonresidential Program

The proposed nonresidential program consists of retail, restaurant, service, office, other commercial, day care, community center, mail buildings, maintenance office/service, garage, gazebo and pavilion uses. These total 124,995 gsf of nonresidential uses, including 104,500 gsf of commercial uses.

The Project would create a new Town Center with a variety of uses to support the Town's existing and new residents. The main entrances to the Project Site off both sides of Route 44 are inspired by traditional main streets with three-story tall buildings with retail, restaurant, service, and office uses on the first floor, and office and residential uses on the second and third floors. These uses are served by benches, bike racks, patio sitting areas and parking. The two buildings at the main entrance to the west side are proposed to include 10,000 gsf and 12,000 gsf, respectively, of commercial uses, with offices or residential units on the upper floors. The two east-side main entrance buildings are proposed to contain 11,000 gsf and 12,000 gsf, respectively, of commercial uses with residential uses on upper floors.

The live/work buildings along the main entrance road on the west side are proposed to contain 4,500 gsf each of nonresidential uses. Located at the terminus of the main entry road is a commercial building which is proposed to contain 12,000 gsf of medical and general office use. Two commercial buildings would be located along the west side of Route 44 with additional, right-in, right-out access from Route 44. The first is proposed to be a one-story 3,500 gsf bank with a drive-thru. The second is proposed to be a one-story 10,000 gsf day care with its own fenced-in play area.

A mixed-use building on the east side of Route 44 is proposed to contain 7,000 gsf of nonresidential use in a two-story building. Mixed-use buildings on the east side of the development are proposed live/work buildings each with 4,500 gsf of nonresidential use.

The Project also includes three garages for lease, a 3,600 gsf community center, two mail buildings (one of which would also have a fitness center), a 9,000 gsf maintenance office/service building, four gazebos and three pavilions.

#### Site Access, Roadways, Circulation and Parking

On the western portion of the Site, two driveways are proposed off Route 44 and two driveways are proposed off Concord Village Drive (the access road to the Lutheran Care Center, which is adjacent to the Project Site). Access to the eastern portion of the Project Site is proposed via three driveways off Route 44 and an internal connection from Victory Lane, an access road for the adjacent Poughkeepsie Business Park. The main access driveways to the commercial centers on both the east and west sides of Route 44 are proposed to align with each other at a new signalized intersection creating the core of the new Town Center. This configuration provides efficient vehicular and pedestrian access between the two locations, thereby minimizing the number of traffic lights and intersections needed on Route 44.

The community is walkable, with sidewalks, benches and gathering spaces. Biking would be encouraged and bike racks would be located near the commercial buildings and throughout the site.

Parking would be provided in surface and garage parking dispersed throughout the development including the parking lot at the end of Victory Lane to access to the area proposed to be offered for dedication to the Town. Approximately 1,117 parking spaces (681 spaces on the west side and 436 spaces on the east side) would serve the residents, workers, and visitors of the Town Center. Where feasible, parking lots have been located at the rear of the buildings to promote walking and foster a sense of community. Spaces in three 11-bay parking garages would be available for lease and each Townhouse would have a private driveway and 1-car garage.

## Recreation and Open Space

The Project includes several recreation and open space opportunities for residents, visitors, and workers. It is proposed that 21.7 acres on the eastern side of the development would remain as undeveloped usable open space with access to the Wappinger Creek. Much of this area is proposed to be offered for dedication to the Town of Poughkeepsie as parkland, open to the public and accessible via Victory Lane. A gravel parking lot and a pavilion are proposed. The existing walking trails would be retained. They wind through the natural forested areas and along the Wappinger Creek, and would become an extension of an existing Town Greenway Easement along the Creek.

The other open space and recreation areas are proposed to serve the proposed residential and/or commercial development on the Project Site. A central green space would be located on the western side of the development, surrounded by residential uses, a community building and the mail building/fitness center. This central green space would include a pool, playground, grass lawn, landscaping, and a picnic area. A community garden is proposed nearby, at the edge of a center corridor residential apartment building. A dog park is proposed in the southwestern-most corner of the Project Site. A gazebo overlooking a pond and open space and landscaping are proposed at the south end of the main access road. At the main entrance to the western side of the development, the community green space, that was proposed, has been removed in consultation with the NYSDOT, in favor of creating a more traditional intersection. As a result of this change, a total of approximately 2.05 acres of recreation and open space would be provided on the west side of the development.

A community green was also proposed at the main entrance to the eastern portion of the Project Site. In consultation with the NYSDOT, this green was also removed in favor of a more traditional intersection. However, with the consolidation of the intersection, approximately 0.4 acres of additional green space was created along the southerly boundary of the site on the east side of Route 44. The eastern portion of the Project Site also would include open space in front of the center corridor residential apartment buildings with lawns, patio seating areas, a mail building and a gazebo. A playground area is proposed in the vicinity of the northeastern townhouse buildings. Further, a community garden would be located near the proposed maintenance office/service facility. A total of approximately 1.8 acres of open space and recreation would be provided on the east side of the development, and an additional 21.7 acres of usable open space would remain on the easternmost portion of the Project Site. In total, approximately 25.55 acres of open space and recreation areas would be provided on the Project Site.

### Utilities and Stormwater Management

Sanitary sewer service for the Project is proposed to be provided by the Poughkeepsie Corporate Center Wastewater Treatment Plant, an existing wastewater treatment plant located directly south of the Project Site. If required, a private Sewage Works Corporation or a Town District would be created to own, operate, and maintain the wastewater collection and treatment facilities. The existing wastewater treatment plant would be upgraded and expanded to adequately serve the Project, and the Poughkeepsie Business Park.

In conjunction with comments received during the DEIS review process, the Applicant is also evaluating the potential to acquire previously allocated and unused wastewater capacity from the Lutheran Care Network and convey the Project wastewater through the Lutheran Care Network's conveyance system to the Town of Poughkeepsie's conveyance system and to the Arlington Wastewater Treatment Facility. As it is the intent of the Applicant to acquire previously-allocated existing capacity from the Lutheran Care Network, subject to Town Board approval, and to improve Lutheran Care Network's conveyance facilities as may be required to accommodate the Project, there are no anticipated negative impacts to the Lutheran Care Network's or the Town's existing facilities. Should this option be selected, the specific design details of this alternative including adding the site as a tenant to the existing sewer district(s), expanding the existing sewer district, or creating a new sewer district, will be addressed by the Involved Agencies during the permitting process.

The Project Site would continue to be served by the public water system and the existing water supply conveyance system would be expanded to accommodate the proposed development. The Joint Town and City of Poughkeepsie Water Treatment Facility has sufficient capacity to serve the Project.

Proposed stormwater management practices include subsurface infiltration systems, three wet ponds and one pocket pond. Green infrastructure practices such as tree plantings and stormwater planters would be used to reduce runoff volume.

### Conceptual Grading Plan

Most of the development area would be regraded and approximately 34.38 acres would be disturbed. The total acreage of steep slopes (slopes greater than 20%) to be disturbed is approximately 0.84 acres.

### Sustainability and Green Building Design

The Project includes sustainability and green building design practices where required, and also where practicable and feasible. The Project would meet the requirements of and comply with the

New York State Energy Conservation Construction Code and standards. The Project would incorporate efficient mechanical equipment, insulated roofs, insulated exterior walls, insulated foundations, and insulated windows. Bike racks are proposed near the residential and commercial buildings to encourage biking and sidewalks are located throughout the development to encourage walking.

Water consumption would be reduced with water-saving fixtures, such as low-flow toilets and high-efficiency plumbing fixtures and fittings in kitchens and baths, as well as through the use of native and low-maintenance plantings and irrigation time restrictions.

Landscaping and street trees, using predominantly native plant species, would be provided throughout the development where feasible, including along Route 44. Two community gardens are proposed, one on each side of Route 44.

The Project would participate in the Town and County recycling programs. Stormwater management practices would include the use of tree plantings and stormwater planters to reduce runoff volume.

Site lighting would be designed and installed in compliance with the Town Code. The use of energy-efficient and shielded light fixtures are proposed to minimize, to the greatest extent practicable, light trespass onto neighboring properties not part of the Project.

### Project Phasing and Construction

The Project is expected to be constructed over approximately five years in four phases. Phases 1 and 2 include development on the west side of the Project Site and the development of the Victory Lane cul-de-sac, parking area, walking trails, pavilion for the public open space and Wappinger Creek access on the east side of the Project Site. Phases 3 and 4 include the development proposed on the east side of Route 44. Improvements to Route 44 are to be initiated in Phase 1 and further implemented as the Project is developed.

The Project would be phased to provide supporting infrastructure in a logical fashion and avoid unnecessary disruption to the existing and new community during construction. The rate of construction of both the commercial and residential components of the Project would be matched to market demand, to the greatest extent practicable, to minimize the development of vacant spaces. Parking areas will be developed in conjunction with the construction of the use to which such parking relates, as determined during site plan review and approval.

Construction would be conducted in accordance with approved Site Plans and in accordance with all applicable federal, State, and Town codes. Impacts from construction would be temporary and would cease when the Project is complete.

## Project Alternatives Considered in the EIS

In addition to the analysis of the Project, also referred to as the Proposed Action, the DEIS also included an analysis of five alternatives, as follows:

### A. No Action

The No Action alternative describes the scenario whereby the Project Site would remain in its existing condition, with no site improvements and no new site development of any kind. With this alternative, none of the negative, or positive, impacts of the proposed development would occur. In this case, the Project Site would remain as mostly vacant land with abandoned farm structures on the west side and two single-family homes and a two-family home on the east side. No new traffic, residential population or public school-age children would be generated from this alternative. In addition, no new tax revenues would be generated for the Town, County, School District or any Special Districts; existing property taxes would be the only revenue source. The community would not be served by new open space, commercial amenities or multi-family housing. This alternative would not further the goals of the Comprehensive Plan, which were to develop this site into a Town Center, and would not be financially feasible for the Applicant.

### B. Full Build-out Under Existing Zoning

This Alternative assumes a Project developed at the maximum, full build-out conditions permitted by zoning regulations. Under the zoning regulations, development would include 416 residential units and 140,000 square feet of commercial space. This Alternative would generate more residents, public school-age children, and vehicular trips than the Proposed Action. The area of disturbance would increase from 34.36 acres to 42 acres, consuming an additional 7.64 acres of land for development than the Proposed Action, including wooded areas and steep slopes that were otherwise reserved for flora and fauna habitat or recreational uses, and would create more impervious surfaces. It would also create additional sewer and water demand than the Proposed Action. This Alternative is anticipated to generate 70 more Project residents and 9 more school aged children, and to disturb more wooded habitat than the Proposed Project. The potential benefits of providing more residential units and commercial space would be outweighed by the increased potential negative impacts resulting from this Alternative.



### C. Development with Reduced Height

Under this Alternative, the building height would be limited to two stories. Buildings in the Proposed Action's are three stories. Although the overall development program would remain the same for this Alternative, the footprint of the development would be reconfigured and the number of structures would be increased to accommodate the same amount of commercial and residential space given the height reduction. This Alternative eliminates the Townhouse structures that soften the transition from the residential areas to the north to the commercial core of the Project and replaces them with multi-family structures. The area of disturbance would increase from 34.36 acres to 40 acres, consuming an additional 5.64 acres of land for development than the Proposed Action. This would increase the amount of impervious surface and reduce the amount of open space as compared to the current Proposed Action. A building height of three stories does not present any significant adverse impacts. Therefore the two-story alternative, having as its only benefit a reduced building height, but causing the detriment of increasing the land disturbance by an additional 5.64 acres, is not preferable to the Proposed Action.

### D. Modified Phased Construction

This Alternative assumes that the Proposed Action would follow a phased construction plan. As the Proposed Action has integrated this Alternative into the Project, the potential impacts of this alternative are the basis of the Project as analyzed in the EIS.

### E. Plan Based on Identified Significant Environmental Impacts

The potential significant environmental impacts of the Project have been identified and either mitigated, or the Project design was modified such that no significant environmental impact is anticipated. Any unavoidable impacts, such as increased vehicular trips and increased water use and sewer demand, would result from any development on the Project Site of habitable residential, commercial, or other nonresidential uses. The Project provides more benefits than the alternatives, such as increased tax revenue, greater recreational amenities, publicly accessible open space, and greater secondary economic benefits to the Town of Poughkeepsie. Therefore, the plan provided and analyzed as the Proposed Action meets the intent of this Alternative to develop a plan based on Identified Significant Environmental Impacts.

## 2.0 SEQRA REVIEW PROCEDURE

Chronology of the SEQRA review of the Project to date is as follows:

- 1/25/16 Application for Site Plan Approval and an Environmental Assessment Form (EAF) were submitted to the Town of Poughkeepsie Planning Board.
- 2/18/16 Planning Board declared its Intent to be Lead Agency and circulated to all Involved Agencies in accordance with 6 N.Y.C.R.R. 617.6.
- 3/29/16 No objections to the designation of the Planning Board as Lead Agency having been received, the Planning Board declared as Lead Agency.
- 8/11/16 Positive Declaration Issued by the Lead Agency.
- 9/22/16 Public scoping session held.
- 10/20/16 Final scoping document adopted by the Lead Agency.
- 9/28/17 DEIS accepted as adequate and complete for public review by the Lead Agency after conducting its own independent completeness review. Public Hearing scheduled for October 19, 2017. DEIS circulated to all Involved and Interested Agencies. Publication of notice of acceptance by the Planning Board was duly published in the Environmental Notice Bulletin ("ENB").
- 10/19/17 DEIS public hearing held at which time all those wishing to comment on the Project were afforded an opportunity to be heard. The Planning Board closed the verbal portion of the public hearing on October 19, 2017, and established a written comment period until 4:00pm on November 1, 2017.
- 11/1/17 Public Comment Period on DEIS was extended until November 22, 2017 by the Lead Agency.
- 11/22/17 End of Public Comment Period on DEIS. Thereafter, a draft FEIS was prepared by the Town's consultant VHB and circulated to Town Staff and other Town consultants, and then to the Planning Board.
- 1/18/18 Planning Board accepted FEIS as complete. The FEIS was circulated to all Involved and Interested Agencies. Publication of notice of acceptance by the Planning Board was duly published in the ENB. The required 10-day period for consideration was commenced on January 26, 2018.

During the review of the DEIS, the Lead Agency, Town staff and consultants and the public raised questions and concerns regarding the Project. All comments were addressed in the FEIS, and the Project modified accordingly.

### **3.0 REQUIRED PERMITS and APPROVALS**

#### Lead Agency

Town of Poughkeepsie Planning Board

#### Interested/Involved Agencies

Town of Poughkeepsie Town Board

Town of Poughkeepsie Zoning Board of Appeals

Town of Poughkeepsie Highway Department

Town of Poughkeepsie Police Department

Town of Poughkeepsie Recreation Department

Town of Poughkeepsie Water Department

Town of Poughkeepsie Sewer Department

Town of Poughkeepsie Building Inspector

Town of LaGrange

Town Historian

Dutchess County Department of Behavior and Community Health

Dutchess County Department of Planning and Development

Dutchess County Department of Public Works

Dutchess County Industrial Development Agency

New York State Department of Environmental Conservation

New York State Department of Transportation

New York State Office of Parks, Recreation, and Historic Preservation

Arlington Fire District

Arlington Central School District

US Army Corps of Engineers

Listed below are the approvals required or potentially required from the Involved Agencies.

Involved Agency	Approval/Review
Town of Poughkeepsie Planning Board (Lead Agency)	Site Plan approval Subdivision approval Special Permits (for multi-family residential units, commercial garage and daycare center) Architectural Review
Town of Poughkeepsie Town Board	Sewer Transportation Corp., Sewer District Formation or extension, Sewer District Tenancy Agreement, Roadway Dedication, Parkland Dedication, Easements to the Town, and Stormwater Management Agreement
Town of Poughkeepsie Water Department	Water supply connections and acceptance of water mains
Town of Poughkeepsie Sewer Department	Wastewater conveyance and treatment system
Town of Poughkeepsie Highway Department	Town Road Work permit
Town of Poughkeepsie Building Inspector	Floodplain Development Permit
Dutchess County Department of Public Works	County Road Work permit
Dutchess County Industrial Development Agency	PILOT Approval
Dutchess County Department of Behavior and Community Health	Sanitary sewer Water supply approval Subdivision Filing
NYS Department of Environmental Conservation	Stormwater Pollution Prevention Plan ("SWPPP") approval Stormwater SPDES permit RTE Taking Permit Sanitary SPDES Permit
New York State Department of Transportation	Highway Work Permit (NYS Route 44) Signal Occupancy
New York State Department of Health	Water supply approval
NYS Office of Parks Recreation and Historic Preservation	Cultural resources
United States Army Corps of Engineers	Jurisdictional determination letter regarding the filling of Wetland 1

#### **4.0 PURPOSE AND NEED FOR THE PROJECT**

The Town of Poughkeepsie Master Plan was adopted in 2007. The Master Plan outlines a vision for the Project Site as the MacDonnell Heights Town Center, a compact, pedestrian-oriented development incorporating residential and commercial components and preserved open space to attract new residents to the Town while simultaneously serving existing residents. The Site was rezoned in 2007, following the recommendations in the Town Plan, to foster the new mixed-use center. The Project adheres to this vision with a new Town Center that incorporates a variety of housing and commercial types, preserved open space and walking trails, and new community spaces in a compact, pedestrian-oriented development.

#### **5.0 FINDINGS CONCERNING ENVIRONMENTAL IMPACTS**

The Lead Agency has given due and thorough consideration to the Draft and Final Environmental Impact Statements, the transcript of the public hearing, all written agency and public comments received, all comments submitted by Town staff and its professional consultants, and all plans and other information that are part of the record of this application. The Lead Agency considered all of the afore-mentioned information with regard to the potentially significant adverse environmental impacts that may be expected from the overall Project, as well as the measures proposed to mitigate such impacts. These findings show that the Lead Agency has taken a hard look at the potential environmental impacts of the Project, and has considered and addressed each significant potential negative environmental impact of the Project.

The Lead Agency finds and determines that all requirements of New York State Environmental Law Article 8 and N.Y.C.R.R. Part 617 have been met, and further makes the following findings, organized by topic.

The DEIS and FEIS (together, the "EIS") include an environmental evaluation of the following resource issues:

- Land Use, Zoning and Public Policy
- Community Character and Visual Impacts
- Geology, Soils, Topography and Steep Slopes
- Surface Water Resources
- Stormwater Management
- Water
- Sanitary Sewer

- Solid Waste
- Vegetation and Wildlife
- Traffic, Transportation, Pedestrian, and Transit
- Community Services
- Fiscal and Economic Impacts
- Historic and Cultural Resources
- Hazardous Materials
- Noise
- Air Quality
- Construction Impacts

## **5.1 LAND USE, ZONING and PUBLIC POLICY:**

### ***Land Use:***

The Town of Poughkeepsie’s Town Plan, adopted in 2007, outlines the vision for the MacDonnell Heights Town Center as a compact, pedestrian-oriented development incorporating residential and commercial components while preserving open space. The residential and commercial land uses in the Project would be compatible with the surrounding area and consistent with the purposes of the MacDonnell Heights Town Center District as discussed in the Town Plan. The Town Plan also acknowledges that higher-density development is necessary in order to make the proposed Town Center economically and functionally viable. The Project will implement the vision in the Town’s Plan by incorporating residential and commercial uses while preserving open space and adding new community amenities. In addition, the Project will transform this site into a vibrant residential and commercial center. Development would be concentrated on portions of the Site closer to Route 44. The portion of the Project Site further away from Route 44 and closer to the Wappinger Creek would remain undeveloped and be reserved for passive recreational purposes.

### ***Zoning:***

The Project would be located within the MacDonnell Heights Center (MHC) zoning district, which was specifically created for the Project Site area upon recommendation in the 2007 Town Plan. The Project complies with the requirements and provisions of the MHC. The Project requires Site Plan and Subdivision approval from the Planning Board as well as Special Permits for the multi-family residential units, commercial garages, on-street dining and day care center. The Project supports the goals and objectives of the MHC zoning which are to:

- 1) Promote a mix of business, commercial, and residential uses in single-story and multi-story buildings designed as an integrated community spanning both sides of Route 44.

- 2) Promote pedestrian activity through a safe and walkable environment, encourage a “park once and walk around” core, and establish connections to adjacent residential neighborhoods.
- 3) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.
- 4) Create an interconnected street system for both pedestrian and vehicular traffic.
- 5) Encourage the development of both on-street parking and shared parking areas between nearby uses.
- 6) Promote a sufficient critical mass of employees, shoppers and residents within close proximity to a commercial and mixed-use core which encourages people to park once and walk, because walking becomes more convenient than driving for short trips within the core.
- 7) Promote a retail shopping and business environment that is not strip-retail oriented, where shoppers park once and walk between adjoining commercial uses where the buildings are primarily connected to each other or use zero lot lines.
- 8) Provide public gathering spaces such as central greens and centerpiece buildings on the Project Site.
- 9) Provide for a variety of housing options within walkable proximity to the commercial core including single-family, two-family homes, and multi-family units.
- 10) Preserve, enhance and incorporate natural and historic features in order to enhance a sense of place, greenway connections and natural edge conditions.

***FINDING.*** *The Planning Board finds that the Project is consistent with the goals of the Town of Poughkeepsie’s Town Plan, and is compatible and comparable with the land use in the surrounding area. The Project is designed to reflect the mix of uses, housing choices, walkable environment, and public space goals of MHC District, and incorporates the dimensional, area, bulk and height regulations necessary to facilitate appropriately-scaled mixed-use development within the MHC. The Project is fundamentally consistent with the public policy documents governing the use of the Site. As confirmed in the February 21, 2017 Determination of Zoning Consistency prepared by the Zoning Administrator, the Project, as proposed and phased, is consistent with the zoning ordinance. No significant adverse land use or zoning impacts will result from the Project.*

## **5.2 COMMUNITY CHARACTER AND VISUAL IMPACTS:**

The Project would alter the existing character of Route 44 immediately in front of the Project Site from grass fields to a Town Center. However, the overall character of Route 44 changes as it traverses between towns and hamlet centers with no singular use, density or architectural style, and therefore creation of a Town Center at the Project Site is nonetheless compatible and comparable with the existing Route 44 corridor. The architecture at MacDonnell Heights Town Center is inspired by traditional main streets and urban cores in upstate New York. The buildings that line the new main street reflect an incremental development approach composed of smaller individual structures with a mix of uses, articulated through height, material and fenestration variation. The building heights along the main street range from two-and-a-half to three stories and would provide retail, residential, office and live-work spaces. The new main street is designed to encourage pedestrian activity, with a central green, on-street parking, sidewalks, storefronts directly on the street, and passageways to parking located behind the buildings. With strong first floor storefront articulation, as well as detailed cornice and eave lines, the buildings present a very comfortable and human scale along the street. Vertical elements at the end of each block help to hold the corner, provide visual terminations and wayfinding landmarks. As the buildings turn the corner onto Route 44, they drop in scale to fit in with the residentially-zoned properties on either side.

On the western side of Route 44, a central green space would be provided for residents and visitors as well as two additional open space areas. In consultation with the NYSDOT, the landscaped median proposed to be located at the entrance to the commercial portion of the development off the main, signalized entrance from Route 44 has been removed, in favor of creating a more traditional intersection. This commercial area would be designed as a main street with the landscaped islands within the wide sidewalks lining both sides of the entrance road. The remaining central green space is a community green that would principally serve the residential portion of the development but can also be utilized to host larger community events, such as farmer's markets, performances or art exhibitions. This green would be located in the center of the residential community with a community center, pool and mail building, in close proximity to the commercial core. The additional open space areas are located at the southwest and northeast corners of this western portion of the Project Site and would provide a buffer to the nearby existing residentially-zoned properties. The open space area at the southwest corner would retain the highest portion of the Project Site and would include a dog park for the Project residents and pedestrian access to the adjacent Lutheran Care Network site. Landscaping would be provided between and among the residential buildings and along Route 44, and street trees would be planted throughout the community. The parking lots serving the commercial buildings are located



behind the buildings where possible to create a pedestrian-oriented community and to reduce views of the parking lots

Similar to the western side of Route 44, the main entrance to the development east of Route 44 has been revised to remove the landscaped central green space, in favor of creating a more traditional intersection. This entrance also would be designed as a main street with landscaping islands within the wide sidewalks lining both sides of the entrance roads. The areas surrounding the residential buildings would be landscaped and would provide recreation space. Two large medians in front of the townhouses would be landscaped and would provide a buffer between the residences and the parking lots. (Each of the townhouses would have its own driveway and garage.) Landscaping and street trees would be provided throughout the development where feasible, including along Route 44 and along site boundaries with adjacent residentially zoned lots to the north and south.

The majority of the parking spaces would be located behind the main entrance buildings so that parking lots would be less visible from Route 44. The views along Route 44 to the eastern side of Route 44 would change from vacant grassy fields to a commercial town center with landscaping, buildings, and a center green at the entrance and two-story residential uses.

***FINDING.*** *The Planning Board finds that the Project will result in a change to the visual conditions of the Site. However, the existing condition, which is comprised primarily of grassed fields, is inconsistent with the goals of the Town Plan to create a vibrant town center. The Project affords the opportunity to create an appropriately-scaled Town Center that incorporates and reinforces the architectural character of the area and traditional main streets and urban cores in upstate New York. The Project will enhance the character of the MHC, is not incompatible with the community character of lower density surrounding uses, and would not result in any significant adverse visual impacts.*

### **5.3 GEOLOGY- SOILS, TOPOGRAPHY, AND STEEP SLOPES:**

The Project has been designed to minimize overall site impacts. Most of the development area would be regraded and approximately 34.38 acres would be disturbed. The total acreage of steep slopes to be disturbed is approximately 0.84 acres. No blasting or rock removal are anticipated; however, should rock removal be required, all means and methods will adhere to the procedures outlined under Town law. Erosion and sediment controls would be used to protect the soils during construction, as described in the conceptual Soil Erosion and Sediment Control Plan and consistent

with NYSDEC-promulgated regulations. All disturbed soils would be re-used to the extent practicable.

***FINDING.*** *The Planning Board finds that, subject to the implementation of the mitigation measures described above, no significant adverse impacts to the Site's geology, soils or topography will result from the Project.*

#### **5.4 SURFACE WATER RESOURCES:**

The proposed layout plan was designed to avoid development in aquatic resources on the Site as much as possible. Four areas meeting the physical criteria as wetlands through guidelines developed under the Clean Water Act. The Project will preserve approximately 21.7 acres, and three of the four wetlands. Wetland 1, an isolated wetland of 0.04 acres that is not regulated under the Town, State or Federal requirements, will be filled in. No impacts are anticipated to Wappinger Creek or its buffer. No disturbance to Wetlands 2 or 3, or the wetland adjacent to the Wappinger Creek (Wetland 4), is proposed as part of the Project, and therefore no mitigation is required. No new development, other than infrastructure and some recreational amenities, are proposed in the flood zone. Therefore, a Town Aquatic Resource Permit or Town Floodplain Development Permit is not anticipated to be required, and no further mitigation is proposed. Should a Floodplain Development Permit be required, the Applicant will comply with the requirements of Town Code Chapter 113, Flood Damage Prevention .

***FINDING.*** *The Planning Board finds that the Project was designed to avoid development in the aquatic resources of the site as much as possible. The Project will need to fill Wetland 1. The Planning Board finds that this wetland is unregulated, isolated and of low quality. The Project will avoid the Wappinger Creek and its buffer and will not disturb Wetlands 2, 3, or 4. No new development, other than infrastructure and some recreational amenities, are proposed in the flood zone. A Town Floodplain Development Permit may not be required. Should a Floodplain Development Permit be required, compliance with Town Code Chapter 113, Flood Damage Prevention, is mandated. The Planning Board finds that no significant adverse impacts to surface water resources will result from the Project.*

#### **5.5 STORMWATER MANAGEMENT**

The proposed development would result in an increase in impervious surfaces, creating a corresponding potential increase in the peak rate of stormwater runoff and pollutants. A conceptual Stormwater Pollution Prevention Plan (SWPPP) has been prepared and includes a system of Stormwater Management Practices designed to capture and treat runoff from the

impervious surfaces associated with the proposed buildings, parking areas, and walkways. Stormwater treatment and peak flow attenuation for the Project will be accomplished by utilizing a number of different practices including wet ponds and subsurface infiltration systems. Four wet ponds are proposed for the Project Site, including two located on the east side and two located on the west side of the Site. These wet ponds will be landscaped. Seven subsurface infiltration systems are proposed, including five on the east side and two on the west side of the Project Site. It is proposed to maintain the existing drainage patterns on the Site to the maximum extent practical to minimize any impact on the existing downstream conveyance systems.

The Project includes the disturbance of more than one acre, therefore, completion of a final SWPPP and coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit No. GP-0-15-002 would be required. The on-site stormwater management system has been designed to comply with all NYSDEC and local stormwater requirements.

***FINDING.*** *The Planning Board finds that, subject to the implementation of the stormwater measures described above and in the final SWPPP, and in compliance with the SPDES Permit, no significant adverse impacts related to stormwater runoff will result from the Project. The Planning Board does not anticipate any issues that will not, or cannot be mitigated by the final SWPPP.*

## **5.6 WATER:**

The Project Site lies within the existing Town Water District and will be served by the public water system which collects and treats water from the Hudson River through the Poughkeepsies' Water Treatment Facility (owned by both the City of Poughkeepsie and the Town of Poughkeepsie). The estimated domestic average daily demand for the Project is anticipated to be approximately 79,825 gallons per day (gpd). The Poughkeepsies' Water Treatment Facility has sufficient capacity to serve the Project. The existing on-site water supply conveyance system would be upgraded and expanded. Water-saving fixtures would be used in the proposed structures to reduce water consumption. The water supply to the Project will be metered and, consistent with current practice, the revenue from the use of Town water by the Project would be collected by the Town Water District. These revenues would offset the cost of the water consumed by the Project and assist in the payment of any capital debt of the District.

***FINDING.*** *The Planning Board finds that adequate infrastructural municipal capacity exists to accommodate the Project's water demands. No significant adverse impacts to water supply are anticipated.*

## **5.7 SANITARY SEWAGE:**

The existing private septic systems located on the Project Site would be abandoned and removed in accordance with established Department of Health regulations. The estimated sanitary sewage generation of the Project would be approximately 79,825 gpd. The Project will have its sanitary needs met in one of two ways: either the Project Site would be served by the Poughkeepsie Corporate Center Wastewater Treatment Plant or the Project's wastewater would be conveyed through the Lutheran Care Network's sewage conveyance system. The final determination will depend upon the final costs and timelines of implementation of each alternative.

The Poughkeepsie Corporate Center Wastewater Treatment Plant is located just south of the Project Site and currently serves the Poughkeepsie Business Park. The first option proposes to upgrade the Treatment Plant and expand it to accommodate the wastewater needs of the Project, the Poughkeepsie Business Park and future growth. A private Sewage Works Corporation would be created to own, operate, and maintain the wastewater collection and treatment facilities. The treated effluent from the Treatment Plant would continue to discharge into Wappinger Creek.

The second option would be to acquire previously-allocated and unused wastewater capacity from the owner of the Lutheran Care Center and convey the Project wastewater through the Lutheran Care Center's conveyance system to the Town of Poughkeepsie's conveyance system and to the Arlington Wastewater Treatment Facility.

Whichever option is selected, the specific design details including adding the site as a tenant to the existing sewer district(s), expanding the existing sewer district, or creating a new sewer district, will be addressed by the Involved Agencies during the permitting process.

***FINDING.*** *The Planning Board finds that the implementation of either wastewater treatment option outlined above will provide adequate capacity to accommodate the Project's sewer demands. No significant adverse impacts related to sanitary sewer service are anticipated to result from the Project.*

## **5.8 SOLID WASTE:**

At full buildout, it is estimated that the residential uses on the Project Site would produce approximately 660 tons per year of solid waste, and the commercial and institutional uses would generate approximately 109 tons per year. Solid waste and recyclables would be stored on-site in compliance with all applicable codes, and removed by licensed carters to be disposed of or recycled at licensed facilities.

***FINDING.*** *The Planning Board finds that adequate infrastructural capacity exists to accommodate the Project's solid waste demands. No significant adverse impacts are anticipated from the solid waste to be generated by the Project.*

## **5.9 VEGETATION AND WILDLIFE:**

Approximately 3.19 acres of existing wooded areas would be removed, although no trees would be removed in the forested area near Wappinger Creek. Approximately 21.7 acres of natural wooded areas would remain as is. Suitable habitat for four protected species (Blanding's Turtle, Dwarf Wedgemussel, Indiana Bat and Northern Long-eared Bat) has been found on the Project Site. Potential habitat for Dwarf Wedgemussel would not be impacted. The Project, however, would remove habitat for Blanding's Turtle and could disrupt or remove habitat for Indiana Bat and Northern Long-eared Bat.

The Project was designed to primarily use portions of the Site that were previously disturbed or used as agricultural fields. To help offset the proposed tree removal, a mixture of evergreen trees, shade trees and other flowering plants would be planted throughout the development. Native species would be used as much as possible. Mitigation measures to protect Blanding's Turtle, Indiana Bat and Northern Long-eared bat species and their habitat would be approved by the New York State Department of Environmental Conservation (NYSDEC) prior to construction and are as detailed below.

### **Blanding's Turtles**

The following measures will be utilized on the part of the Site located northwest of Route 44 to assure that potential impacts are avoided and minimized:

1. Site work should be conducted between October 16 and April 14 when practical.
2. A turtle monitor shall be on site during ground disturbance activities associated with excavation that occurs between April 14th and October 16th. The turtle monitor must be a qualified biologist with knowledge of Blanding's turtles and relocation procedures and be licensed by the NYSDEC to handle Blanding's turtles.
3. Temporary barriers shall be used for land disturbance activities with the barrier enclosing the specific areas of disturbance as shown on the grading plan. Regular inspection will occur to ensure continued effectiveness. Details depicting the design and installation of

the fence and installation locations are on the plan. The barrier shall be installed prior to undertaking any disturbance activities.

4. Site contractors and workers on site will be briefed with prepared educational materials (brochure) as well as the encounter plan. The turtle monitor will initially brief the site contractors prior to site work. The monitor's responsibilities should include:
  - a. Conducting reconnaissance surveys for Blanding's turtles within the work area prior to the initiation of any disturbance activities, and relocating turtles as required.
  - b. Training personnel working at the Site to be able to identify, locate, and remove or relocate Blanding's turtles, if necessary.
  - c. Monitoring the proper placement and maintenance of temporary restrictive barriers.
  - d. Providing oversight during the disturbance phase of the Project.
  
5. During construction, a temporary restrictive barrier in the form of silt fencing will be installed around the perimeter of the disturbance footprint. The barrier should be installed during the winter hibernation period (October 16th - April 14th) and
  - a. maintained until the end of the construction phase of the Project or until the beginning of the next winter hibernation period, whichever occurs first; and
  - b. inspected daily and, if necessary, repaired immediately to a fully-functional condition; and
  - c. constructed in accordance with the following design specifications:
    - i. Made of fine-mesh (1/4 inch square) filter-fabric or non-woven geotextiles;
    - ii. A minimum of 42" high;
    - iii. Anchored into the ground with reinforcement bars placed on the "disturbance side" of the barrier and spaced between 6 – 8 feet apart;
    - iv. Secured at the base (barrier/ground interface) with at least 8" of fence material covered with soil backfill.
  
6. Water control structures, such as drainpipes, may create a trap hazard to Blanding's turtles. To prevent possible entrapment of Blanding's turtles:
  - a. The storm drain grates will be designed with the smallest possible grate opening without compromising safety or necessary flow rate.
  - b. Below-ground swimming pools should be surrounded by fencing to exclude turtles of all age classes.
  - c. Fine grade wire cloth (1/4-inch square mesh size) at the base of a picket fence or a 10" - 12" high barrier can be used to prevent turtles from traveling into the hazard area.

- d. Window wells should have grates (1-inch square mesh size or less) or 10" - 12" high vertical barriers surrounding the well.
  - e. Any excavation work done between April 14th and October 16th should be backfilled on the same day as excavated or ramps (30-degree angle maximum) should be placed inside the excavation to enable turtles to climb out.
7. The following guidelines will be used in the event that a turtle is encountered on the Project Site during construction:
- a. Personnel working at the Site will be trained to be able to identify, and locate Blanding's turtles by a knowledgeable biologist. Turtles can only be moved by a qualified biologist with knowledge of Blanding's turtles and relocation procedures who is also licensed by the NYSDEC to handle Blanding's turtles.
  - b. Construction personnel shall be informed that it is illegal to take, import, transport, possess, or sell an animal listed as threatened without a license.
  - c. If a turtle is seen, stop all ground disturbing work immediately.
  - d. Contact the contractor in charge and delay work in the area until the turtle has moved safely from the area. Allow the turtle to continue on its way.
  - e. If the turtle does not move along on its own, contact the response number below to have a trained, NYS-licensed professional safely relocate the turtle. Michael Nowicki at 203-910-4716.
  - f. Contact the NYSDEC Wildlife Office to report the incident within 24 hours at 845-256-3098 or Wildlife.R3@dec.ny.gov. Please provide the location, the Project name, and explanation of incident.
  - g. If the turtle was found within a Turtle exclusion fence, work cannot commence until fencing is inspected by and signed off on by a knowledgeable Blanding's Turtle consultant.

#### Indiana and Long-Eared Bats

Any tree removal associated with the Project will take place within the appropriate time of year, November 1 through March 31, in order to avoid direct adverse impacts to the Indiana bat. The timing restriction will be documented in the notes of any plans regarding this Project.

***FINDING.*** *The Planning Board finds that the Project was designed to avoid development in the vegetative and wildlife resources of the site as much as possible. The Planning Board finds that, subject to the implementation of the mitigation measures described above, no significant adverse impacts to vegetation and wildlife will result from the Project.*

## **5.10 TRAFFIC, TRANSPORTATION, PEDESTRIAN AND TRANSIT:**

A detailed traffic impact analysis was completed that included the evaluation of eight off-site intersections and site driveway intersections along Route 44 for three peak hour conditions and two future design years: the estimated time of completion (2023) and 10 years later (2033). The evaluation was based on the Scoping Document reviewed and commented on by numerous agencies including NYSDOT and Dutchess County. The traffic evaluation identified the study area intersections operations with and without the Project and identified mitigation where appropriate and feasible to offset the impacts from the Project. Three years of accident data were evaluated to document known safety hazards in the vicinity of the project. A study was conducted to determine the adequacy of gaps in the existing traffic flow along Route 44 for vehicles to enter and exit from nearby unsignalized intersections.

The trip generation for the peak hours studied was based upon the accepted industry standard procedures and trip generation data published by the Institute of Transportation Engineers. The traffic study focused on one-hour peak periods of the day representing times when both travel to and from the Site and travel on the adjacent roadway network are peaking.

No other development projects in the corridor that would increase traffic were identified by any of the reviewing agencies. In consultation with the Town and NYSDOT, an annual background growth rate of 0.25% was applied to the traffic volumes to project a conservatively high traffic growth rate along the corridor.

Generally, the Project is adding very little traffic to the side streets of the unsignalized intersections in the study corridor. Delays experienced at these unsignalized intersections will occur with or without construction of the Project.

The evaluation of a single lane roundabout was presented as an intersection alternative at the main site access. Review of the intersection operations including vehicle delay, vehicle queues, and pedestrian conditions at the intersection resulted in the traffic signal being chosen as the preferred traffic control at the intersection. The results of the evaluation noted that during the AM peak hour the southbound US Route 44 approach would operate at a Level of Service ("LOS") LOS D with average vehicle queues of 20 vehicles, and a LOS D with 28 vehicles queued northbound during the PM peak hour. Although acceptable levels of service are shown for the northbound US Route 44 approach during the PM peak hour, the long average vehicle queues of 28 vehicles will extend through the Victory Lane/Barnes Drive signalized intersection. While this queue length is slightly shorter (3 vehicles) than a signalized main access, the average delay is substantially longer (44 seconds vs. 28 seconds).

Work within the US Route 44 right-of-way is under the jurisdiction of the NYSDOT and subject to the receipt of a Highway Work Permit from NYSDOT. The final geometric configuration and



phasing of the proposed improvements along the Route 44 corridor will be developed during Planning Board site plan and NYS DOT Highway Work Permit review, and in accordance with the improvements identified herein,. The internal access configuration is under the jurisdiction of the Town of Poughkeepsie Planning Board and subject to Site Plan Approval from the Planning Board.

The following mitigation measures have been identified to address safety, capacity, LOS, and delay/queuing changes associated with Project-generated traffic for impacted study area intersections. These improvements would be undertaken by the Applicant (in coordination with other identified agencies, such as NYSDOT) in connection with implementation of the various parts of the Project. Some of the measures identified below would be required upon occupancy of any uses while others would not be required until identified occupancy levels or a programmatic phase are reached. The Planning Board's Site Plan approval for any part of the Project would incorporate conditions which correspond to mitigation implementation.

Improvements across the Project frontage, including a new traffic signal at the main site access and a re-build of the existing signal at the Route 44/Barnes Drive/Victory Lane intersection (each equipped with a Fire Department pre-emption device) are required by the Town and will be undertaken by the Applicant prior to any occupancy. The Applicant has agreed to modify the site access configuration to eliminate the proposed 50' boulevard on both sides of Route 44 and provide a design consistent with the typical Highway Design Manual configuration. This would include the relocation of existing utilities and signal improvements at the existing traffic signal at Route 44/Barnes Drive/Victory Lane, and to complete the interconnections to the adjacent properties (Victory Lane and Concord Village Drive).

In addition, the Applicant and NYSDOT have agreed that the Applicant will undertake additional improvements to the State Highway System in partnership with the Department. The NYSDOT has identified these items as conditions of the Highway Work Permit for the site access improvements and the Applicant and the NYSDOT have agreed to work collaboratively to implement this work. It is also important to note that the off-site work extending beyond the Route 44/Degarmo Road and Route 44/Cherry Hill Drive intersections is not mitigation of any particular identified project impact, but is offered by the Applicant to improve traffic flow in the Routes 44 and 55 corridors as part of a partnering between the Applicant and NYSDOT:

Proposed Undertakings:

- 1) Installation of Adaptive Signal Controls with a communication modem and counting and System detectors at the locations listed below, and coordination with the preferred vendor, Synchro Green, to program and implement activation of controls. It is understood that NYSDOT has a statewide license for the controls, and the Applicant will need to provide a one-time payment for each specific site license in addition to the hardware required. Ongoing monthly modem costs will be a NYSDOT ongoing cost, not an Applicant cost.

Adaptive Signal Control locations:

- a. New Signalized Intersection of Route 44/Site Access
- b. Rebuilt Signalized Intersection of Route 44/Barnes Drive/Victory Lane
- c. Existing Signalized Intersection of Route 44/DeGarmo Road
- d. Existing Signalized Intersection of Route 44/Cherry Hill Drive
- e. Existing Signalized Intersection of Route 44/Burnett Boulevard
- f. Existing Signalized Intersection of Route 44/West Road
- g. Existing Signalized Intersection of Route 44/North Road
- h. Existing Signalized Intersection of Route 44/South Road

Timing: Applicant and NYSDOT both recognize that impacts to the traffic from the proposed project will be incremental, and therefore implementation of these items need not happen all at once. The improvements will be activated in two phases. The first phase must be operational prior to the granting of a Certificate of Occupancy for the 95th residential unit at the project (roughly 25% of occupancy). Signal locations a, b, c, d, and e above are in the 1st phase. The second phase is prior to a Certificate of Occupancy for the 190th residential unit at the project (roughly 50% of occupancy). Signals f, g, and h above are in the 2nd phase. Applicant may choose to install the required hardware earlier, at Applicant's discretion.

- 2) Cable modem or radio communications (NYSDOT Item #683.9350010 or item preferred by NYSDOT) to be added to existing signalized intersections. No pole, cables, controller, or other hardware or software improvements anticipated.

Cable modem or radio locations:

- a. Existing Signalized Intersection of Route 55/Titusville Road
- b. Existing Signalized Intersection of Route 55/Fireman's Way
- c. Existing Signalized Intersection of Route 55/Noxon Road
- d. Existing Signalized Intersection of Route 55/Old Manchester Road
- e. Existing Signalized Intersection of Route 55/Overlook Road
- f. Existing Signalized Intersection of Route 55/Page Park Drive
- g. Existing Signalized Intersection of Route 55/Spy Hill
- h. Existing Signalized Intersection of Route 55/Locust Road/Manchester Circle
- i. Existing Signalized Intersection of Route 55/Burnett Boulevard

Timing: Applicant and NYSDOT both recognize that impacts to the traffic from the proposed project will be incremental, and therefore implementation of these items need not happen all at once. Installation of this equipment will all be completed prior to a Certificate of Occupancy for the 190th residential unit at the project (roughly 50% of occupancy). Applicant may choose to install the required hardware earlier, at Applicant's discretion.

- 3) Upgrade existing pedestrian call buttons with ADA pedestrian call buttons (NYSDOT Item #680.81330010). At the intersections noted below, the existing pedestrian call button is to be updated with the new call button. No pole, cable, controller, or other hardware or software improvements anticipated.

Pedestrian call button upgrade locations:

- a. Existing Signalized Intersection of Eastbound Arterial/Raymond Avenue (8 existing stations)
- b. Existing Signalized Intersection of Main Street/Raymond Avenue (8 existing stations)
- c. Existing Signalized Intersection of Westbound Arterial/Raymond Avenue (8 existing stations)
- d. Existing Signalized Intersection of Eastbound Arterial/Fairmont Avenue (8 existing stations)
- e. Existing Signalized Intersection of Main Street/Taft Avenue/Fairmont Avenue (8 existing stations)
- f. Existing Signalized Intersection of Westbound Arterial/Fairmont Avenue (8 existing stations)

Timing: Applicant and NYSDOT both recognize that impacts to the traffic from the proposed project will be incremental, and therefore implementation of these items need not happen all at once. Installation of this equipment will all be completed prior to a Certificate of Occupancy for the 95th residential unit at the project (roughly 25% of occupancy). Applicant may choose to install the required hardware earlier, at Applicant's discretion.

- 4) Defective or broken detector loops are to be replaced at the following locations (NYSDOT Item #680.77110808.) As these are replacement detectors, no additional cabling, controllers, or hardware is anticipated.

Defective or broken detector loop replacement locations:

- a. Existing Signalized Intersection of Route 55/Overlook Road (2 Detector Loops)
- b. Existing Signalized Intersection of Route 55/Fireman's Way (2 Detector Loops)

Timing: Applicant and NYSDOT both recognize that impacts to the traffic from the proposed project will be incremental, and therefore implementation of these items need

not happen all at once. Installation of this equipment will all be completed prior to a Certificate of Occupancy for the 190th residential unit at the project (roughly 50% of occupancy). Applicant may choose to install the required hardware earlier, at Applicant's discretion.

5) The Signalized Intersection at Main Street/Taft Avenue/Fairmont Avenue requires replacement of the existing loops on the side road (4 loops, NYSDOT Item #\_680.77110808, and installation of new loops on the left turn lanes on the main approach (4 loops) together with the required pullbox and conduit (NYSDOT Item #680.54, #680.72, #680.510501, #680.520504, #680.520104, and #206.03.) Wireless detection ("puck") is also an option at this location (NYSDOT Item #680.05003005, #380.05004005, #680.05007005, #680.05005005, and #80.05006005.

Timing: Applicant and NYSDOT both recognize that impacts to the traffic from the proposed project will be incremental, and therefore implementation of these items need not happen all at once. Installation of this equipment will all be completed prior to a Certificate of Occupancy for the 95th residential unit at the project (roughly 25% of occupancy). Applicant may choose to install the required hardware earlier, at Applicant's discretion.

6) The Signalized Intersection of the EB Arterial/Fairmont Avenue requires a new Signal Cabinet Foundation and moving the existing Signal Cabinet (NYSDOT Item #680.77000010 and #680.5002). No other equipment, hardware or software is required, and NYSDOT will identify the preferred location for the new foundation.

Timing: Applicant and NYSDOT both recognize that impacts to the traffic from the proposed project will be incremental, and therefore implementation of these items need not happen all at once. Installation of this equipment will all be completed prior to a Certificate of Occupancy for the 95th residential unit at the project (roughly 25% of occupancy). Applicant may choose to install the required hardware earlier, at Applicant's discretion.

7) The Signalized Intersection at WB Arterial/Grand Avenue requires two new loops on the south side together with the required pullbox and conduit to connect to the controller on the north side of the arterial (NYSDOT Item #680.54, #680.72, #680.510501, #680.520504, #680.520104, 680.71, and #206.03.) In addition, the existing pedestrian call buttons are to be upgraded with ADA pedestrian call buttons (NYSDOT Item #680.81330010). No pole, cable, controller, or other hardware or software improvements anticipated.

Timing: Applicant and NYSDOT both recognize that impacts to the traffic from the proposed project will be incremental, and therefore implementation of these items need not happen all at once. Installation of this equipment will all be completed prior to a Certificate of Occupancy for the 95th residential unit at the project (roughly 25% of occupancy). Applicant may choose to install the required hardware earlier, at Applicant's discretion.

- 8) Installation of Fire Department pre-emption devices at the locations listed below, and coordination with Arlington Fire District, the preferred vendor and NYS DOT as needed to program and implement activation of the devices:

Fire Department Pre-emption Device locations:

- a. New Signalized Intersection of Route 44/Site Access
- b. Rebuilt Signalized Intersection of Route 44/Barnes Drive/Victory Lane
- c. Existing Signalized Intersection of Route 44/DeGarmo Road
- d. Existing Signalized Intersection of Route 44/Cherry Hill Drive

Timing: Applicant and NYSDOT both recognize that impacts to the traffic from the proposed project will be incremental, and therefore implementation of these items need not happen all at once. The improvements will be activated in two phases. The first phase must be operational prior to any site occupancy (0% of occupancy). Signal locations a, b, and c above are in the 1st phase. The second phase is prior to a Certificate of Occupancy for the 95th residential unit at the project (roughly 25% of occupancy). Signal d above is in the 2nd phase. Applicant may choose to install the required hardware earlier, at Applicant's discretion.

***FINDING.*** *Based on a review of historical traffic volume data in the Route 44 corridor, little or no increase in the daily traffic volumes have occurred over the last several years. Near the Project Site, traffic volumes over the last five years experienced growth ranging from a negative growth (a reduction in volume) to an increase of only 0.1% annually. Based on the very low growth experienced in the corridor, the use of an annual growth rate of 0.25% in the traffic study is a conservative assessment of the future traffic volumes in the corridor.*

*Mixed use developments, such as the Project, experience fewer vehicle trips to and from the site than would a residential-only or commercial-only project due to shared and internal trips.*

*The Project achieves an important goal of the Town Center to provide a multimodal environment where pedestrian travel (in lieu of vehicular travel) is encouraged. This multimodal approach is also consistent with the Dutchess County Complete Streets vision.*

*Pedestrian facilities including sidewalks, provision for cyclists, and pedestrian accommodations at signalized intersections promote conformance with Town, County and State goals.*

*In the three years of accident data evaluated there were no documented accidents at the Route 44/Concord Village Drive intersection, which provides access to the Lutheran Care Center.*

*A new traffic signal at the site access will provide some platooning of vehicles (grouping of vehicles together) along Route 44 to the north, resulting in additional gaps in traffic for use by drivers entering and exiting unsignalized intersections in the corridor. These gaps would not otherwise be created with a roundabout at the main site access.*

*With the site access traffic signal, the intersections of Colonial Knolls, Hornbeck Road, Concord Village Drive, and Darrow Place indicated that the available gaps on Route 44 are sufficient to accommodate future traffic volumes. Traffic volumes at lower volume driveways within the corridor would be adequately serviced by the available gaps in the flow of traffic Route 44. More platooning (grouping) and better gaps would occur with a signal at the main site access, as compared to a roundabout at the main site access.*

*A new traffic signal at the site access will also better accommodate the pedestrian activity anticipated and promoted by this new Town Center. Pedestrian crossing, not only main site access drives, but also Route 44, shall be accommodated by providing push button activation of pedestrian crossing signals. Further, vehicles at a signalized intersection are required to come to a complete stop, rather than yielding, as would be required at a roundabout, making pedestrian activity safer. The detailed traffic impact analysis included a travel time study where it was identified that under current and future conditions it is generally faster to travel solely on US Route 44 or via West Road (County Road 71) and Salt Point Turnpike (NY Route 115) as compared to other travel routes such as Hornbeck Road to Van Wagner Road or Bower Road to Van Wagner Road. Based on the evaluation it is expected that US Route 44 will remain a primary travel route for drivers in the Town and the project will not result in significant adverse impacts on these alternate routes.*

*The Route 44/DeGarmo Road intersection is experiencing some existing capacity constraints during the weekday peak hours without the proposed project, and a large-scale improvement project in the corridor may be warranted. It is beyond the responsibility and capability of this Project to fund and construct mitigation to fix existing transportation issues in the corridor.*

*Widening Route 44 was not identified as a necessary or feasible alternative for mitigation and would be inconsistent with the intent of the Town Center. However, the project design will not impede the ability of NYSDOT to widen US Route 44 in the future if deemed necessary.*

*Traffic volumes in and out of Darrow Place are very low and therefore do not meet the left-turn lane guidelines. The Town supports the Applicant's work with a land owner on Darrow Place to facilitate a connection to the Site for use by residents of Darrow Place.*

*The installation of a traffic signal at the main site access intersection in lieu of a roundabout is recommended to provide safe and efficient vehicular and pedestrian access to and from the site at US Route 44.*

*The traffic signal at the main site driveway intersection shall have pedestrian accommodations to facilitate the safe and efficient movement of pedestrian travel at this intersection, subject to NYSDOT permitting.*

*Upgrades to the Barnes Drive/Victory Lane signal are necessary to address increased flows from the project site and shall be completed consistent with the required NYSDOT permitting.*

*Consistent with good access management, the Project includes connections to the adjacent Concord Village Drive and Victory Lane.*

*Coordination and interconnection of the site access signalized intersection and the Barnes Drive/Victory Lane intersection will help to ensure adequate traffic flow and operations along the Route 44 frontage of the Project.*

*Construction of a connection between the Project and Concord Village Drive to provide the users of the Lutheran Care Center the opportunity to access the signalized intersection and provide an alternative to the existing unsignalized intersection at Concord Village Drive and Route 44 intersection serves as mitigation in lieu of the construction of a left-turn lane on US Route 44.*

*Construction of sidewalks along the Route 44 from Victory Lane to Darrow Place on the east side of Route 44 and from Concord Village Drive to Barnes Drive on the west side of Route 44 is supported. Within this area sidewalks shall be required, subject to NYSDOT permitting, within existing NYSDOT right-of-way or within the Applicant's currently-owned property. No takings, acquisitions, or easements from other properties shall be required to construct new sidewalks.*

*Adaptive traffic signal technology shall, subject to approval of the NYSDOT, be provided at the Main Site Access, Barnes Drive/Victory Lane, DeGarmo Road, and Cherry Hill Drive intersections with US Route 44 to improve traffic flow throughout the corridor.*

*Fire Department pre-emption devices shall, subject to approval of the NYSDOT and in coordination with the Arlington Fire District, be provided at the Main Site Access, Barnes Drive/Victory Lane, DeGarmo Road, and Cherry Hill Drive intersections with US Route 44 to improve emergency vehicle traffic flow throughout the corridor.*

*Cyclists shall be accommodated, subject to NYSDOT permitting, through new striped bike lanes adjacent to the parking lane or a wide travel lane allowing for cyclists to share the travel lane with vehicles. Additional details on the bicycle accommodations to be provided along US Route 44 will be defined as the project progresses.*

*Within the Project Site, cyclists will share the roadway on the low volume, low speed internal roadways and the Project shall include bike racks placed throughout the site to encourage cycling.*

*Bus shelters with trash receptacle, bench, map case and pole for a bus stop sign shall be provided on both sides of Route 44 in the vicinity of the project.*

*Site access shall be designed to ensure that vehicle conflicts do not exist for vehicles turning in and out of the Site and that turning maneuvers are adequate for emergency vehicles and buses.*

*Internal to the project site, traffic calming measures shall be implemented to help define the space. The combination of the Stop controls, changes in pavement texture or color, and very low proposed internal speed limits (15 mph) shall be implemented to reinforce the pedestrian areas.*

*Vehicle turning movement templates will continue to be reviewed for various vehicle configurations to demonstrate that the geometry will allow for proper turning movements interior to the site.*

*The Planning Board finds that, subject to the implementation of the mitigation measures described above, no significant adverse impacts related to traffic would result from the Project.*



## **5.11 COMMUNITY SERVICES:**

### ***Demographics***

The residential component of the Project includes a mix of 32 townhomes (16 2-bedrooms and 16 3-bedrooms) and 358 multi-family units (6 studios, 155 1-bedrooms, 182 2-bedrooms, and 15 3-bedrooms). Based on this unit mix, it is expected that approximately 822 Town residents will be generated at full buildout and occupancy. If all of these residents were new to the Town, it would increase the Town's population by approximately 1.84%.

### ***Police Services***

The additional 844 residents would require an increase of 1.64 police personnel, 164.4 square feet of facility space, and 0.49 vehicles according to the standard planning multipliers published in the Urban Land Institute's Development Assessment Handbook and not accounting for any existing surplus or deficiencies in current staffing, space or vehicles.

### ***Fire and Emergency Services***

Based on the planning standards published in the Urban Land Institute's Development Assessment Handbook, and not accounting for any existing surplus or deficiencies in current staffing, space or vehicles, the 844 additional residents could result in an increased demand for 1.36 fire personnel, 205.50 square feet of facility space, and 0.02 additional vehicles.

### ***Recreation and Open Space***

The Project Site, while undeveloped, is underutilized for its recreational potential. The Project will include two community buildings, two playgrounds, a central green space, pool, community garden, dog park, walking trails, pavilions, picnic areas and Wappinger Creek access. Most of the amenities will be for the residents of the Project, but the walking trails, pavilion, picnic areas and Wappinger Creek access on the eastern portion of the Project Site will be open to the public. The Planning Board is required to ensure that the park and recreation demands generated by any new residential development are addressed in accordance with the provisions of §210-93 of the Town Code, which requires the reservation of land for public park, playground or recreation purposes, or the payment of a fee in lieu thereof. The Site will have a minimum of 21.7 acres of usable open space, most of which will be kept in its natural forested condition. The applicant recognizes that the amenities provided on the Project Site are not expected to satisfy all of the recreational needs of the new residents, and that the residents of the Project will utilize existing open space and recreation facilities and programs throughout the Town. The new residents of the Project are anticipated to increase the Town's population by approximately 1.84 percent, and are anticipated to create a correspondingly incremental additional demand for parks and recreation services. As part of the site plan approval process, the Planning Board will make the required findings to

determine the adequacy of the proposed public park, playground and recreation spaces, and to what extent a fee in lieu thereof will be required.

### **Schools**

Based on the Project's unit distribution, it is anticipated that a need for services for approximately 56 public-school-aged children will be generated by the Project (see Table 3K-8). This would result in an approximate 0.7% increase in the Arlington Central School District's enrollment. The School District is currently at 77% of capacity. It is anticipated that the School District would be able to accommodate the increase of 56 new public-school-aged children.

***FINDING.*** *The anticipated 822 new Town residents residing within the Project will increase the demand for community services. However, as shown above, the proportional increase in demand for all service providers is relatively minor compared to the overall demand for Town services. The Project will create a demand for approximately 2 police officers and fire and emergency personnel at full build-out. The increase in taxes generated by the Project, including \$386,076 annually for the Town of Poughkeepsie and \$250,264 for the Arlington Fire District, will more than off-set any costs associated with increased service demands. To improve emergency services access from the south, the Applicant shall install signal preemption devices at the two signals scheduled for installation and upgrade (Barnes Drive/Route 44 and the proposed new signal at the site access) as well as at the existing DeGarmo Road and Cherry Hill Lane signals. The design of the Project will not create any impediments to the provision of services to the residents thereof or to the Town residents. Sufficient public park, playground or recreation facilities either will be provided on site or secured through a payment in lieu thereof. The Arlington School District has capacity to handle the anticipated additional students, and will receive \$1,216,260 in taxes from the Project. No significant adverse impacts to community services are anticipated.*

### **5.12 FISCAL AND ECONOMIC:**

At full build-out, the Project would result in a net positive impact for the taxing districts, including the Arlington Central School District. The development is anticipated to generate a present value total of \$2,077,878 in annual property taxes at full build-out, including \$386,076 for the Town of Poughkeepsie, \$250,264 for the Arlington Fire District, and \$1,216,260 for the Arlington School District. The Project Site currently generates approximately \$130,000, in yearly taxes. Therefore, the Project would result in an approximately \$1,948,000 increase in annual tax revenue.

According to the current PILOT agreement, the Project would generate approximately \$35,309,541 during the term of the PILOT (20 years from the implementation of respective improvements), including \$20,067,560 for the Arlington Central School District and \$6,104,058 for the Town of

Poughkeepsie, \$5,682,614 for the Arlington Fire District and \$2,462,570 for Dutchess County. Any additional residential units or commercial space resulting from the Project would only increase the amount of taxes and PILOT payments collected.

The Project will also generate sales taxes. Sales taxes will be generated at the proposed retail, restaurant and other food establishments based on statutory requirements. These uses would collect sales taxes for New York State and Dutchess County. Sales taxes are distributed to New York State (4%), Dutchess County (3.75%) and the Metropolitan Transportation Authority (0.375%), for a combined rate of 8.125%.

The economic benefits to the Town will include property tax revenues and other positive impacts to the local economy including temporary construction employment (estimated at as many as 218 full-time jobs) and permanent operational employment (estimated at as many as 299 full-time jobs generated by the commercial, institutional and residential components of the Project).

***FINDING.*** *The Planning Board finds that the Project will have net positive fiscal impact with the additional tax revenue and job creation projected for the Project. No significant adverse fiscal or economic impacts are anticipated.*

### **5.13 HISTORIC AND CULTURAL RESOURCES:**

#### ***Buildings***

A Phase I report of the buildings located on the Project Site or in close proximity thereto was completed and followed by a Phase II report which focused on the Frank Farm Complex (935, 944, 945, 947, and 949 Dutchess Turnpike), and 925 and 931 Dutchess Turnpike (both of which are located off of the Project Site).

The Frank Farm Complex is recommended eligible to the National Register of Historic Places based on its completeness and its role in local and regional history. Building #6 (horse barn) is proposed to be adaptively reused for the Project. Elements of Building #6 are proposed to be moved, renovated, and reused as a mail building and fitness center. All other buildings and structures within the Frank Farm Complex are proposed to be demolished to construct the Project. The central location of the Frank Farm Complex to the Project prevents the preservation of the Frank Farm Complex while still achieving the Town Center contemplated by the Town's Comprehensive Plan. All buildings that can be utilized for the Project have been incorporated into the site plan.

The residential building at 925 Dutchess Turnpike has been determined eligible for the National Register of Historic Places and is a designated local landmark on the Town of Poughkeepsie historic sites list. A Phase II investigation and a Building and Structures Investigation was completed for 925 and 931 Dutchess Turnpike and forwarded to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for review. Based on further research, it was determined no relationship exists between 925 or 931 Dutchess Turnpike and the Frank/Barnes Farm. With no connection between the properties, there is no direct impact on 925 or 931 Dutchess Turnpike as a result of redeveloping the former Frank Farm.

The Phase II Buildings and Structures Investigation has been concluded and OPRHP has concurred that there are no further investigations required.

### ***Archeological Resources***

The archaeological sensitivity of the Project was confirmed by the Phase IA background and literature review. The Phase IB archaeological plow strip surveys were conducted to assess and determine any areas of direct impact. During the plow strip surveys, 403 historic and prehistoric artifacts were observed and their locations were recorded either using triangulation or global positioning system hardware. Of this total, 317 artifacts were collected and returned to the laboratory for processing and analysis. The prehistoric artifacts included flakes, tools, and a tested nodule. The historic assemblage included ceramics, glass, metal, a stone artifact (gunflint spall), synthetics, and miscellaneous items. Four Native American artifact groups, two Euro-American groups, and a Native American/Euro-American artifact group were isolated.

A Phase II Archeological Investigation was performed and four sites were evaluated for potential eligibility for listing on the State or National Register of Historic Places. Three of the sites were determined by OPRHP as not eligible for listing. The fourth site (identified as 935-H) is a potential foundation identified southwest of the current Frank house, and OPRHP has recommended avoidance of this area, or further archeological investigation and analysis of the potential foundation be completed. Since information has been requested for review by OPRHP, this area should not be disturbed until OPRHP has signed off on disturbance of this area. Any findings of fact or additional work required by the OPRHP will be conducted by the applicant until the OPRHP issues a "No Effect" letter.

Areas of the Project site that are not proposed for ground disturbance (inclusive of the 21.7 acre eastern open space area with existing walking trails near the Wappinger Creek), or that were previously disturbed (*e.g.* the site of the proposed 2,000 gsf pavilion), were not subject to Phase II investigation.

***FINDING.*** *The Planning Board finds that due to the central location of the Frank Farm Complex within the Project, it will need to be demolished in order to accomplish the goal of creating a Town Center. The Project will preserve elements of the horse barn (Building #6 in the EIS) for reuse on the Project Site. The Planning Board further finds that the required Phase I and Phase II investigations were completed and submitted to the OPRHP and further investigation in one area is recommended. The Planning Board finds that, as a result of the Phase I and II investigations, and implementation of the recommendations in the reports and of OPRHP's requirements, no significant adverse impacts to historic resources will result from the Project. The Planning Board further finds that, as a result of the Phase I and II investigations and implementation of the recommendations in the reports and of OPRHP's requirements, no significant adverse impacts to archeologic resources, other than for Site 935-H, will result from the Project. There shall be no disturbance of the 935-H site until such time as OPRHP has issued a "No Effect" finding. There shall be no facilities or activities requiring ground disturbance in previously undisturbed Project areas excluded from Phase I or Phase II investigations, including much of the 21.7 acres eastern open space area, without further archaeological investigation. The areas subject to additional review by OPRHP shall be identified on maps submitted for Site Plan Approval, and a note shall be added to such an area which states "No disturbance of this area shall be permitted until OPRHP has issued a finding of No Effect, or mitigation required by OPRHP has been completed."*

#### **5.14 HAZARDOUS MATERIALS:**

Phase I and Phase II Environmental Site Assessments (ESAs) have been prepared for the Project Site. The ESAs identified two existing above-ground storage tanks. No soil contamination was found on the Project Site. The above-ground tanks shall be properly decommissioned and disposed and would be a condition of Planning Board approval. Any abatement work, if necessary, would be conducted in accordance with all relevant standards and procedures.

***FINDING.*** *The Planning Board finds that the Project will not result in any significant adverse impacts due to hazardous materials.*

#### **5.15 NOISE:**

The uses proposed on the Project Site would not generate significant new noise sources at full buildout. However, local ambient daytime noise levels would temporarily increase during construction of the Project. The noisiest period of construction would occur during site clearing and grading activities. Noise from such activities could be intrusive, but would have limited duration. It is anticipated that nearby properties would experience temporary elevated noise levels at occasional periods during construction of the Project. This is a temporary, construction-related, unavoidable impact. Although

construction is anticipated to take approximately five years, the Project would be constructed in phases with Phases 1 and 2 primarily taking place on the west side of Route 44 and Phases 3 and 4 occurring on the east side of Route 44. Therefore, construction noise would not be concentrated in one area for the entire construction period. Construction noise would end when construction is complete. The Project would comply with the Town's Noise Law (Section 1-8 of Town Code Chapter 139, Noise), as well as using best management practices during construction. During the construction phases of development, to minimize or eliminate adverse impacts due to equipment noise, all construction equipment used on site would be inspected periodically to ensure that properly-functioning muffler systems are used on all equipment in accordance with the NYSDEC Best Management Practice (BMP) for reducing noise. While on the site, equipment should not idle unnecessarily, and construction activities should be limited to hours described in the Town Code.

***FINDING.*** *The Planning Board finds the Project shall comply with the Town's Noise Law (Town Code Chapter 139) including, but not limited to, specific attention to the following items which apply during construction (except in emergency situations as described in the Noise Law):*

- *Building construction is not permitted between the hours of 10:00 p.m. to 7:00 a.m.*
- *The operation of heavy equipment (for example, pile drivers, bulldozers, pneumatic hammers, and grinders) which create unreasonable noise is only permitted on weekdays between 7:00 a.m. to 8:00 p.m. and on Saturdays between 10:00 a.m. and 6:00 p.m.;*
- *Operation of heavy equipment is not permitted on Sundays or legal holidays;*
- *Shouting, yelling, singing, calling, hooting or whistling so as to create unreasonable noise is not permitted;*
- *The loading or unloading of any materials, equipment, or the handling of bales, boxes, crates, containers or similar objects so as to create unreasonable noise is not permitted.*

*The Applicant shall comply with Town's Noise Law and use best management practices during construction to reduce noise. Project will not result in any significant adverse long-term noise impacts, and potential short-term construction-related impacts will be adequately mitigated.*

## **5.16 AIR QUALITY:**

Long-term impacts to air quality are not anticipated due to the Project. Any stationary sources associated with the Project would comply with appropriate State and local regulations. Any required air permits would be obtained.

Short-term impacts to air quality due to construction are expected but would be temporary and would cease upon Project completion. Construction would be conducted in accordance with approved site plans and in accordance with all applicable federal, State and Town codes. It is anticipated that nearby properties would experience temporary fugitive dust and an elevation in vehicle emissions from construction vehicles throughout occasional periods during construction of the Project. This is a temporary, unavoidable impact.

Specific mitigation measures for short-term impacts during construction include prohibition of excessive construction equipment idling, outfitting all construction equipment and vehicles with appropriate features to limit exhaust fumes, wetting and stabilizing soils to suppress dust generation, and covering truck payloads of solid and other dry materials.

***FINDING.*** *The Planning Board finds that the Project will not result in any significant adverse long-term air quality impacts, and short-term construction related air quality impacts will be adequately mitigated.*

#### **5.17 CONSTRUCTION:**

The Project is expected to be constructed over approximately five years in four phases. Phases 1 and 2 include development on the west side of the Project Site and the development of the Victory Lane cul-de-sac, parking area, walking trails, pavilion for the public open space and Wappinger Creek access on the east side of the Project Site. Phases 3 and 4 include the development proposed on the east side of Route 44. Improvements to Route 44 are to be initiated in Phase 1 and further implemented as the Project is developed.

Construction would be conducted in accordance with approved Site Plans and in accordance with all applicable federal, State, and Town codes. Impacts from construction would be temporary and would cease when the Project is complete. It is anticipated that nearby properties would experience temporary elevated noise levels, fugitive dust, stormwater and construction traffic at occasional periods during the construction of the Project. This is a temporary, construction-related unavoidable impact.

An Erosion and Sediment Control Maintenance Schedule would be implemented. Controls would be inspected in accordance with permit requirements and maintained/or replaced as per *New York Standards and Specifications for Erosion and Sediment Control*, dated August 2005, as amended.

**FINDING.** *The Planning Board finds that unavoidable short-term construction-related impacts will result from the development of the Project Site. However, with the implementation of the construction phasing and erosion and sediment control plan, no significant adverse impacts from construction activities are anticipated.*

## 6.0 CERTIFICATION OF FINDINGS

Having considered the Draft and Final EIS, and taken a hard look at the potential environmental impacts of the Project, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of New York State Environmental Law Article 8 and 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

1. The requirements of New York State Environmental Law Article 8 and 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and any adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Town of Poughkeepsie Planning Board

*Name of Lead Agency*



*Signature of Responsible Official*

Carl Whitehead

*Name of Responsible Official*

Acting Planning Board Chairman

*Title of Responsible Official*

March 15, 2018

*Date of Adoption*