

RESOLUTION 11:15 - # 4 OF 2006

WHEREAS, the Town Board of the Town of Poughkeepsie on October 25, 2006 pursuant to a public hearing on October 18, 2006 and a public hearing held on October 25, 2006 did consider an amendment to local law no. 16 of 2005 authorizing an amendment whereby the Town would acquire from Locust Grove/Young Morse Estate a restriction on development covering 22 acres of land in exchange for a contribution and a payment of up to \$150,000.00, and

WHEREAS, the public hearing was closed on October 25, 2006 and a Resolution proposed for Town Board consideration, and

WHEREAS, attached to the Resolution was a short form Environmental Assessment Form submitted pursuant to the New York State Environmental Quality Review Act Regulations, attached as Exhibit A, and

WHEREAS, the Town Board considered the Resolution with attachment, declared itself as lead agency, declared the action as an unlisted action, and made a determination that said proposed action would not have a significant adverse impact on the environment, and

WHEREAS, the short form Environmental Assessment Form as submitted to the Town Board for consideration was not signed, although each Town Board member had received a copy, and

WHEREAS, to protect the record the Town Board does reconsider the Resolution with an executed Environmental Assessment Form, now therefore

BE IT RESOLVED, that the Town Board, as lead agency, in its review of the project and the short form EAF as heretofore submitted in its capacity makes the

following findings and determinations in support of its determination that the proposed action will not have a significant adverse impact on the environment to wit:

1. The proposed action is to purchase developmental rights from Locust Grove/Young Morse Estate involving its acquisition of 22 acres of undeveloped land on a site located immediately north of its site on South Road and immediately south of the Poughkeepsie Rural Cemetery also located on South Road, Town of Poughkeepsie, County of Dutchess, State of New York.
2. The acquisition of these developmental rights will ensure and guaranty that the Town's program of preserving open space, cultural and historic sites will be protected, enhanced and increase and that said land will not be developed by the building of any structures, will remain open space and the only improvements will be walking trails in designated areas.
3. That the proposed expenditure is consistent with the Town's policy for preserving open space, cultural space, historic space and providing directly or indirectly for recreational areas within the Town of Poughkeepsie all of which are public benefits, public purposes and consistent with the programs of the Town of Poughkeepsie.
4. That the acquisition of these developmental rights will not:
 - (i) cause a substantial adverse change in existing air quality, ground or surface water quality and quantity, but will enhance said items due to the openness and lack of development, traffic or noise levels; a substantial increase in solid

waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) cause the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources, because all will be protected and cultivated;

(iii) cause the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

(iv) cause the creation of a material conflict with a community's current plans or goals as officially approved or adopted, but will in fact reinforce and ensure said plan;

(v) cause the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character, but will carry out the existing Town programs and policies;

(vi) cause a major change in the use of either the quantity or type of energy;

(vii) cause the creation of a hazard to human health;

(viii) cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses, but in fact will protect said space for future generations;

(ix) cause the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(x) cause the creation of a material demand for other actions that would result in one of the above consequences;

(xi) cause changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

(xii) cause two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the

environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

5. That said acquisition will benefit the Town as a whole.

BE IT FURTHER RESOLVED, that the Town Board having made the following findings and determinations, said Town Board does reaffirm, readopt and adopt the Resolution as set forth on October 25, 2006, a copy of which is attached as Exhibit B.

Dated: November 15, 2006

Moved By: Michael Cifone

Seconded By: Stephan Krakower

Ayes 5 Nays 2

TDM:mar

t-11/1/06

m-11/15/06

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	AYE	NAY
Councilman Baisley	<u>✓</u>	<u> </u>
Councilman Seminara	<u>✓</u>	<u> </u>
Councilman Finn	<u> </u>	<u>✓</u>
Councilman Cifone	<u>✓</u>	<u> </u>
Councilman Krakower	<u>✓</u>	<u> </u>
Councilman Tancredi	<u>✓</u>	<u> </u>
Supervisor Myers	<u> </u>	<u>✓</u>

PROJECT I.D. NUMBER

617.20

Appendix C

State Environmental Quality Review

SEQR

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Town of Poughkeepsie	2. PROJECT NAME Locust Grove
3. PROJECT LOCATION: Municipality Town of Poughkeepsie County Dutchess	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Locust Grove property on South Road immediately south of Poughkeepsie Rural Cemetery	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <div style="text-align: right;">RECEIVED OCT 31 2006 By copied legal TB</div>	
7. AMOUNT OF LAND AFFECTED: Initially 22 acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other Describe: Cemetery	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Town of Poughkeepsie Date: 10/31/06	
Signature: Patricia Myers	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If No, a negative declaration may be superseded by another involved agency.</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="text-align: center;">No</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>Town of Poughkeepsie</p> <hr/> <p style="text-align: center;">Name of Lead Agency</p>	
<p>Patricia Myers, Supervisor</p> <hr/> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Title of Responsible Officer</p>
<p><i>Patricia Myers</i></p> <hr/> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Signature of Preparer (If different from responsible officer)</p>
<p><i>Oct 31, 2006</i></p> <hr/> <p style="text-align: center;">Date</p>	

RESOLUTION 10:25 - # 1 OF 2006

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to its powers under Municipal Home Rule Law Section 10 (1) (11) (a) (12) to adopt local laws in relation to the health, safety and well being of persons or property in the Town of Poughkeepsie and pursuant to its authority under Section 55 and 64 of the Town Law and Section 247 of the General Municipal Law in regard to Recreation Space, Historical Places and Cultural Development, and pursuant to a public hearing held on the 18th day of October, 2006 at 7:00 p.m. and the 25th day of October, 2006 at 5:00 p.m. at the Town Hall, One Overocker Road, Poughkeepsie, NY, does hereby amend Local Law #16 of 2005 thereby authorizing an additional transfer of money to Young-Morse Historic Site on behalf of Locust Grove, a not-for-profit corporation created for public purposes, including but not limited to the purposes hereinabove set forth, in a sum not to exceed \$150,000 and in consideration for a written development restriction in favor of the Town of Poughkeepsie, subject to a matching grant from the County of Dutchess in an amount not less than \$150,000; and

BE IT FURTHER ENACTED, that said expenditure of money for preservation of open space and enhancement of State Greenway Trails, Cultural development and for historic places is a legitimate public purpose and has been determined by a majority of the Town Board to provide a substantial benefit to the Town; and

BE IT FURTHER ENACTED, that in the event the interest to be acquired is a fee interest, then said acquisition would be subject to a permissive referendum and if there is a borrowing to acquire the monies for this acquisition, then said borrowing would be subject to a permissive referendum; and

BE IT FURTHER ENACTED, that if adopted the Supervisor is authorized to execute an agreement with Young-Morse Historic Site on behalf of Locust Grove conditioning the contribution for their use for the specific improvement proposed; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby declare itself Lead Agency, does declare the proposed action, i.e. the transfer of monies and acquisition of an open space restriction or acquisition of developmental rights as an Unlisted Action that will not have a significant adverse impact on the environment; and

BE IT FURTHER ENACTED, that this local law shall take effect immediately upon filing with the Secretary of State.

Dated: _____

Moved By: _____

Seconded By: _____

Ayes _____ Nays _____

TDM:mlm

t-10/5/06

m-10/25/06

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	AYE	NAY
Councilman Baisley	_____	_____
Councilman Seminara	_____	_____
Councilman Finn	_____	_____
Councilman Cifone	_____	_____
Councilman Krakower	_____	_____
Councilman Tancredi	_____	_____
Supervisor Myers	_____	_____

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6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially 22 acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open space <input checked="" type="checkbox"/> Other Describe: Cemetery	
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11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Town of Poughkeepsie Date: _____	
Signature: _____	

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A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☒ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
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C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?
☐ Yes ☒ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Town of Poughkeepsie
 Name of Lead Agency

Patricia Myers, Supervisor
 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (If different from responsible officer)

 Date