

617.7

State Environmental Quality Review (SEQR)

Negative Declaration

Notice of Determination of Non-Significance

Date of Adoption: April 3, 2025

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Wappingers Falls Planning Board has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Buckingham Property Management Residential Development

SEQR Status: Type I [checked]
Unlisted []

Conditioned Negative Declaration: [] YES
[checked] NO

Description of Action: The applicant proposes to construct 188 dwelling units consisting of 6 studio apartments, 135 one-bedroom apartments, 35 two-bedroom apartments (all located within 3 four-story buildings), and 12 three-bedroom townhouses, with 206 off-street parking spaces (and an additional 41 land-banked spaces), a clubhouse, and related site improvements on a ± 13.42 acre parcel (Tax Map No. 134601-6158-13-071325) located in the Residential Mixed Use (RMU) District on Channingville Road and Nelson Avenue. Access will be provided from Nelson Avenue. Water supply and wastewater treatment will be provided by connection to existing Village and Tri-Municipal systems, as discussed in more detail below.

The proposed development was first discussed with the Planning Board in 2016, and has been the subject of numerous public meetings since that time. A public hearing on the application was initially opened in July 2023 and was continued for multiple meetings during 2023 and 2024. During those public meetings and public hearing, the applicant responded to numerous Planning Board concerns about the initial design of the development by extensively revising and redesigning the project, including reducing its scope; reconfiguring building layout, parking and access (thereby reducing impervious coverage and the number of trees to be removed, and retaining existing screening); reducing the number and height of proposed retaining walls; reducing visual impacts; and making other substantial changes, as requested or suggested by the Planning Board and/or its consultants. As originally proposed, the project consisted of 350 units. (The current density represents a 46% reduction.) The Planning Board has worked extensively with the applicant during the review of this project over the past 8 years to reduce or eliminate many of the potential impacts and to mitigate the remaining impacts to the greatest extent practicable. As

referenced herein, in response to Planning Board and consultant comments and questions, the applicant and its consultants have provided numerous studies and reports prepared by experts in their respective disciplines, and substantial analysis of potential impacts.

As noted, the Property is located in the Residential Mixed Use zoning district and the project is fully compliant with that zoning district's area and bulk requirements with the exception of the location of accessory structures and the type of sign, which will require minor area variances. The project complies with the lot coverage, density and parking requirements, meets the building height and setback requirements, and building materials have been chosen to complement surrounding buildings, particularly the view of the proposed project from the Bleachery.

Location: Channingville Road and Nelson Avenue, Village of Wappingers Falls, Dutchess County, New York, Tax Map No. 134601-6158-13-071325 (the "Property").

Reasons Supporting This Determination:

1. The Village of Wappingers Falls Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the Full Environmental Assessment Form (EAF) for the action, including the Part 1 EAF prepared by the applicant dated February 1, 2023, and revised May 10, 2023, a draft Part 2 EAF prepared by the Planning Board dated August 8, 2023 (and discussed at the Planning Board meeting on August 16, 2023), and a draft Part 3 EAF dated November 16, 2023, prepared by the applicant at the request of the Planning Board, and the revised Parts 2 and 3, each dated as of October 3, 2024, prepared by the Planning Board, as well as all of the file materials including those listed at the end of this document, the Planning Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. **Impacts on Land.** The proposed project will involve construction on slopes of 15 percent or greater. Approximately 223,000 square feet of slopes in excess of 15 percent exist within the project area, of which ± 112,000 square feet are proposed to be disturbed. Steep slopes are located primarily along Channingville Road and along the eastern property line. The steep slopes along Channingville Road will remain predominantly undisturbed; prior layouts proposed significant disturbance to these slopes, but the project has been redesigned to eliminate the need to disturb ± 19,000 square feet of steep slopes in this area. A portion of the steep slopes along the eastern property line will be disturbed to allow for driveway access to the proposed townhomes and to provide a level outdoor space for residents behind Building A. The proposed project grading will temporarily remove vegetation on steep slopes (resulting in the short-term potential for erosion) and will leave slopes steeper than currently exist in this location. To mitigate potential impacts of erosion and construction site runoff on downstream properties and environmental features, the applicant prepared an Erosion and Sediment Control (E&SC) plan for the project. The E&SC plan has been developed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control* and has been reviewed and found acceptable by the Village Engineer. Final design-specific items in the E&SC plan to mitigate impacts associated with construction on slopes in excess of 15 percent include: provision of silt fence; minimizing the amount of time areas can be disturbed before temporary stabilization must be provided; providing erosion control blankets on steep slopes;

and providing seed mixtures appropriate for the proposed slope categories. Based on the foregoing, the Planning Board concludes that these measures will mitigate impacts associated with construction on slopes of 15% or greater.

There are no predominant rock outcrops within the \pm 418,000 square foot limit of disturbance. However, exploratory field testing indicates ledge-rock is located between 1 foot to greater than 10 feet of existing ground surface within the limits of disturbance in areas of proposed excavation. The applicant submitted a boring plan prepared by Insite Engineering, Surveying & Landscape Architecture, PC (Sheet TP-1 dated 1/17/2024) that depicts actual depth to bedrock in ten locations throughout the project site. It is estimated that approximately 15,000 cubic yards of rock removal may be required. Based on the amount of rock removal, blasting is anticipated. The applicant submitted a preliminary blasting plan which will be further developed as the project continues through the planning process. The blasting plan establishes protocols to be used to survey and assess surrounding structures that may be impacted, and to remove the bedrock safely and efficiently from the project site. It incorporates discussion of local, state, and federal blasting regulations, controlling distances, inspections (pre/during/post), hours and days during which blasting will occur, noise control, dust control, equipment to be used, and the monitoring plan for nearby structures. Strict compliance with all applicable State and Village code provisions will be required.

Blasted rock is proposed to be processed on site for use in the project. The blasting plan includes a bedrock processing plan that establishes protocols to be used to process the bedrock safely and efficiently on the project site. The processing plan incorporates discussion of local, state, and federal processing regulations, controlling distances, inspections (pre/during/post), hours and days during which blasting will occur, noise control, dust control, equipment to be used, and the monitoring plan for nearby structures. The Village Engineer has reviewed and found acceptable the preliminary blasting plan and bedrock processing plan and has no outstanding comments. The Village Engineer will continue to review the plan as it is further developed as the project continues through the planning process, and will monitor inspections pre/during/post blasting.

By processing and reclaiming excavated rock on the site, truck trips into and out of the site will be reduced since the amount of rock, structural fill, and item 4 import and export will be minimized. A bedrock trucking plan has been provided that establishes the truck routes to be used, types of trucks, estimated number of truck trips, and hours and days trucking will be in operation. Rock shall be transported in covered tri-axle dump trucks. It is anticipated between 15 to 25 daily trips would be required for an 18-week duration. This activity is deemed to be temporary in nature. No long-term or permanent effects from blasting or rock processing are anticipated. The applicant submitted a Construction Truck Site Access Route prepared by Insite Engineering, (Sheet CR-1 dated February 13, 2024) showing that trucks will travel north from the site on Nelson Avenue to Delavergne Avenue, east on Delavergne, and then north on Route 9D, avoiding use of Village streets to the maximum extent possible. The Village Engineer has reviewed and found acceptable the bedrock truck plan, as well as weight limits on Nelson Avenue, and has no further comments on the proposed truck routes. Based on the foregoing, the Planning Board concludes that these measures will mitigate the temporary impacts of construction on land where bedrock is within 5 feet of existing ground surface.

Public comment indicated the potential for caves or sinkholes in or adjacent to the Property. However, no caves or sinkholes were observed on the Property and the Dutchess County Natural Resource Inventory, Chapter 3: Geology and Topography of Dutchess County, NY, prepared by Roy T. Budnik, Jeffery R. Walker, and Kirsten Menking (May 2010), does not make any mention of caves on or in the vicinity of the project site. Therefore, sinkholes are not anticipated to result from impacts of construction.

The proposed project will take approximately two years to complete. Development of the site will result in a 9.6-acre area of disturbance with soils in Hydrologic Soil Group of “C” and “D.” The project will be constructed in two phases in order to limit the area of disturbance to five (5) acres in each phase and comply with the requirements of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, General Permit GP-0-25-001. The mass earthwork for the site is anticipated to be completed within a six-month period. All areas of disturbance will be stabilized prior to disturbance of the next area. The applicant will submit a detailed construction phasing plan, acceptable to the Village Engineer, to ensure that they are not proposing to disturb greater than five (5) acres at a time. The plan will show erosion and sediment control and stabilization for each phase proposed to be developed.

Development of the site will result in a disturbed area in excess of one acre. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) is required in order to obtain coverage under the NYSDEC SPDES General Permit GP-0-25-001. The applicant has submitted a Preliminary SWPPP dated September 13, 2023, that outlines the erosion and sediment controls to be implemented during construction. Stormwater treatment for the project will be accomplished using several different practices including a subsurface infiltration system, infiltration basin, pretreatment basin, sand filter, hydrodynamic separator, and dry extended detention basin. The stormwater management practices have been designed to ensure that the stormwater quality and quantity for the proposed development have been mitigated to the maximum extent practicable to minimize impacts to the existing conditions downstream of the project site and have been found acceptable by the Village Engineer.

The SWPPP includes an erosion and sediment control (E&SC) plan, as described above. The E&SC plan identifies specific measures to mitigate impacts associated with excavation including: the use of silt fence barriers at the toe of all disturbed slopes to contain silt and sediment and reduce the rate of stormwater runoff; minimizing the amount of time areas can be disturbed before temporary stabilization must be provided; providing erosion control blankets on steep slopes, dust control, diversion swales, limiting areas of disturbance to five (5) acres at a time, and providing temporary sediment traps; and providing a stabilized construction entrance at the site entrance. The E&SC plan also addresses permanent stabilization methods to ensure long-term erosion does not occur.

The E&SC plan as well as the code of the Village of Wappingers Falls require the applicant to retain a Qualified Professional (as defined in GP-0-25-001) to perform erosion control inspections weekly during construction. Copies of the Qualified Professional Erosion Control Inspections will be forwarded to the Village allowing for independent oversight during construction to ensure proper erosion controls are being implemented.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on land.

4. **Impacts on Surface Water.** According to the NYSDEC Resource Mapper, there are no State regulated wetlands on the site. Wappinger Creek, a protected Class C(T) stream, is located in proximity to the project site to the east. No disturbance to this off-site surface water is proposed. Construction of the proposed project will result in a total area of disturbance of 9.6 acres on soils with a Hydrologic Soil Group of “C” and “D.” During construction, and prior to stabilization, there will be the potential for increased erosion due to reduced vegetation and increased ground disturbance. Vegetation removal may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. As discussed above, the applicant has submitted a SWPPP which includes an E&SC plan which has been developed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and GP-0-25-001. The E&SC plan identifies specific measures to mitigate impacts associated with excavation including: the use of silt fence barriers at the toe of all disturbed slopes to contain silt and sediment and reduce the rate of stormwater runoff; minimizing the amount of time areas can be disturbed before temporary stabilization must be provided; providing erosion control blankets on steep slopes, dust control, diversion swales, limiting areas of disturbance to 5 acres at a time, and providing temporary sediment traps; and providing a stabilized construction entrance at the site entrance. The E&SC plan also addresses permanent stabilization methods to ensure long term erosion does not occur.

The E&SC plan as well as the code of the Village of Wappingers Falls requires the applicant to retain a Qualified Professional (as defined in GP-0-25-001) to perform erosion control inspections during construction. Copies of the Qualified Professional Erosion Control Inspections will be forwarded to the Village.

The project includes a Stormwater Pollution Prevention Plan which includes permanent stormwater management practices meeting the latest edition of the NYSDEC New York State Stormwater Management Design Manual (Design Manual). The SWPPP meets the five design criteria of the Design Manual, including Runoff Reduction Volume, Water Quality Volume, Stream Channel Protection Volume, Overbank Flood Control, and Extreme Flood Control. The first two of the requirements relate to treating water quality, while the latter pertain to stormwater quantity (peak flow) attenuation. By meeting the above NYSDEC water quality requirements, the project will not result in a degradation in water quality to downstream receiving waterbodies. By meeting the above water quantity standards, the project will also ensure the site discharge will be safely conveyed to downstream waterbodies, and at a post-development rate that is less than the predevelopment rate.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on surface water.

5. **Impacts on Ground Water.** The proposed project will create an additional demand on water supply wells, which may exceed the safe and sustainable withdrawal capacity rate of the local supply. Improvements to the Water Treatment Plant to restore capacity to the system are ongoing and are expected to be completed prior to the finalization of construction of the

project. The applicant submitted a Preliminary Water Engineering Report prepared by Insite Engineering dated June 14, 2023, for the project which notes these issues and acknowledges that connection of the project to a municipal water supply will not be completed until the Water Treatment Plant capacity issues are resolved, or an alternate water source, such as connection to the Poughkeepsies' Water Treatment Facility, has been obtained.

To minimize impacts to the Village's potable water system, the project proposes on-site storage and a booster pump to provide an additional buffer against peak flows in the area. A separate fire storage tank is also proposed to reduce impacts to the potable water system. Additionally, a Town of Poughkeepsie watermain is connected to the Village distribution system to supply additional water in an emergency.

The project is located in the Tri-Municipal Sewer District. Sewer will be provided by an 8-inch diameter gravity main through the site that will collect service connections from each apartment building and townhome. The Tri-Municipal Sewer District is currently experiencing infiltration and inflow concerns and the Village is working with Tri-Municipal to address these concerns. The applicant acknowledges that construction of the project cannot commence until a "will serve" letter is received from the Tri-Municipal Sewer District.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on ground water.

- 6. Impacts on Plants and Animals.** The NYSDEC Environmental Assessment Form identifies the potential for Indiana bat, bald eagle, and pied-billed grebe on or in the vicinity of the site. A review of the US Fish and Wildlife Service (USFWS) list of federal threatened and endangered species indicates that there is the potential for Indiana bat and Northern long-eared bat on or in the vicinity of the site. The applicant submitted a *Threatened and Endangered Species Habitat Suitability Assessment Report* prepared by Ecological Solutions, LLC, dated April 29, 2023, to examine potential impacts of the project on threatened and endangered species, as well as on general wildlife species including mammals, birds, and herptiles (reptiles and amphibians). The applicant submitted supplementary reports by Ecological Analysis LLC dated August 9, 2024, and August 28, 2024, along with correspondence from NYSDEC dated March 27, 2024, and December 4, 2024, regarding bald eagles and the proposed blasting for the site. The applicant's habitat studies were reviewed by ERS Consultants, Inc., an independent biologist retained by the Planning Board.

No bald eagle activity or nests were observed on the site. According to the NYSDEC, in email correspondence dated March 27, 2024, the closest bald eagle nest is more than 0.5 miles (approximately 0.57 miles) from the Property. The USFWS protects bald eagles under several federal statutes including the Bald and Golden Eagle Protection Act. This Act requires an applicant to obtain an eagle disturbance take permit if specified activities are proposed to occur within certain distances of an eagle nest. According to the NYSDEC "Conservation Plan for Bald Eagles in New York State" (2015), if a visual buffer exists between the location of an eagle nest and the location of blasting, no impact from the blasting is anticipated on bald eagles as long as the blasting occurs no closer to the nest than 0.5 miles from the nest (refer to page 37, Table 5). In correspondence dated December 4, 2024, the NYSDEC confirmed that there is a visual buffer between the project site and the documented bald eagle nest, which the

NYSDEC previously noted is located approximately 0.57 miles from the site. Based on the distance and the intervening visual screening, the NYSDEC confirmed that it does not anticipate any direct adverse impacts to bald eagles resulting from blasting on the site, and that an Article 11 Endangered and Threatened Species permit is not required. The NYSDEC's determination was based on information supplied by the applicant, including a site location map, the most recent site plan (Sheet SP-2 dated 12/15/2022 and last revised 4/11/2024), and building elevations (Sheet A-1 dated 4/10/2024 and Sheets A-2, A-4 and A-6 dated 6/13/2023). Based on the foregoing, the proposed project is not anticipated to have a significant adverse impact on bald eagles.

The site does not contain any ponds or marshes suitable for the pied-billed grebe and therefore no significant adverse impact to this species will occur.

The site has the potential to support foraging activities by Indiana bat and Northern long-eared bat due to its wooded canopy and the size and condition of the trees. To avoid direct and indirect impacts to these species, the applicant will include the following conservation measures: as recommended by the NYSDEC and USFWS, trees over 5 inches in diameter at breast height (DBH) will only be cleared between November 1 and March 31, when bats would not be resident on the site; full cut-off outdoor lighting fixtures with a maximum color temperature of 2,700 Kelvin will be utilized so that lighting will not interfere with potential bat foraging activities; soil conservation and dust control best management practices will be implemented to prevent erosion and sedimentation in surface waters; and stormwater ponds on the site will be maintained without the use of chemicals that might adversely affect bats or insect populations on which they may feed. Approximately 28 percent of the site will not be disturbed and will provide potential habitat for both bat species; this undisturbed area will remain forested and is located adjacent to and in proximity of large offsite tracts of forested and open space lands that offer a contiguous habitat. As such, the proposed project is not anticipated to have a significant adverse impact on Indiana and Northern long-eared bats.

The Ecological Analysis letters dated August 9, 2024, and August 28, 2024, identified various invasive non-native plant species in the herbaceous layer as well as the shrub and tree layers, including Norway maple and black locust trees, Japanese stiltgrass, Japanese bittersweet, winged euonymus, tree-of-heaven, and garlic mustard; based on field work, they estimate over 95% of the plant species on the area proposed to be disturbed are invasive species. As noted by ERS Consultants, vegetation composition and structure are key components of wildlife habitat and are, therefore, essential components of wildlife habitat assessments. Dominant non-native plant species and a lack of plant diversity are not optimal habitat or food sources for local native wildlife species, resulting in a decline in bird and other wildlife populations. Habitat exists for three New York State Species of Concern including two bird species, the red-headed woodpecker and cerulean warbler, as well as one reptile, the Eastern box turtle. The Special Concern category exists within NYSDEC rules and regulations, but such designation does not provide any additional protection. A NYSDEC incidental take permit is not required for activities affecting species of special concern.

Field surveys conducted by Ecological Solutions, LLC indicate that the site is utilized by a number of general wildlife species of birds and mammals, such as turkeys, mourning doves, house wrens, gray squirrels, eastern chipmunks, raccoons, red foxes, and white-tailed deer. A

temporary displacement of most wildlife species on the Property may occur during the development of the site, and permanent displacement of any larger species of wildlife will occur within the areas to be developed. The remaining areas of unimpacted habitat outside the limits of disturbance will remain as wooded areas of the Property and will continue to provide some habitat value for the existing species of wildlife. Approximately 28 percent of the site will not be disturbed and will provide potential habitat for general wildlife species; this undisturbed area will remain forested and is located adjacent to and in proximity to large offsite tracts of forested and open space lands that offer a large contiguous habitat area for all of the general wildlife species identified on the site. Proposed site landscaping will primarily utilize native species of shade trees, evergreen trees, and shrubs; these plantings will replace a portion of the wooded area that will be removed during construction and will provide habitat for mammals and birds to nest/breed, forage, or over-winter.

The project does not anticipate using pesticides and herbicides as part of routine site maintenance. As an operations policy, organic methods of weed and pest control will be sought as a first option, and pesticides and herbicides will be used only in isolated instances to control harmful pests and invasive/undesired species if organic methods are ineffective. The project will conform with NYSDEC regulations for application of herbicides and pesticides including registered materials used by certified applicators. The project will comply with NYSDEC regulations for fertilizer application. In addition, the project will comply with the NYSDEC Nutrient Runoff Law, which limits and restricts the use of phosphorus fertilizers as part of lawn fertilization efforts. Finally, to further inhibit the use of fertilizers, pesticides and herbicides, the project landscaping plan will utilize native, non-invasive plants to the greatest extent practical to blend with the surrounding environment. Pollinator plant species will be focused, where possible, along the perimeter of the development to act as a natural barrier/transition between lawn areas and forested areas, and so they further encourage use by bees, butterflies, hummingbirds, and other natural pollinator species. Based on the foregoing, the project is not anticipated to have a significant adverse impact on general wildlife species.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on plants and animals.

- 7. Impacts on Aesthetic Resources.** The proposed project is located within one (1) mile of New York State Route 9, a Designated Scenic Road. The site will not be visible from Route 9 due to extensive intervening vegetation and development. The project site is located adjacent to a portion of the Wappinger Greenway Trail and across Channingville Road from Bowdoin Park. The applicant submitted a Visual Assessment consisting of a Photo Location Map dated May 5, 2023, and 3D photo-simulations dated June 1, 2023, to assess the potential visual impact of the project from four key vantage points, including the Greenway Trail and Channingville Road in leaf-off conditions. The Visual Assessment indicates that the retention of existing vegetation along Channingville Road and adjacent to the Greenway Trail will partially screen views of the proposed project from these locations, and the applicant will propose planting additional evergreen trees and shrubs between proposed Building B and Channingville Road, behind the proposed townhouses, and east and west of the townhouses to screen views of the proposed development from Bowdoin Park and the Greenway Trail during leaf-off conditions. The project proposes setbacks that are greater than those required by the district, resulting in more buffering and privacy than the minimum setback requirements would otherwise provide.

In contrast to earlier submittals by the applicant, the buildings are now proposed to be sided in brick in a neutral color which will blend with the natural surroundings. Architectural drawings, plans and elevations by Jennifer Pepe, AIA demonstrate significant improvements to the architectural features of the building and the overall look of the project compared to what originally was proposed. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on aesthetic resources.

8. **Impacts on Historic and Archaeological Resources.** The project site is located within an area that has been identified as sensitive for archaeological resources on the New York State Historic Preservation Office (SHPO) archaeological site inventory. The applicant submitted a Phase 1A Literature Search and Sensitivity Assessment and a Phase 1B Archeological Field Reconnaissance Survey prepared by Hudson Valley Cultural Resource Consultants, Ltd. dated October 2018 to assess potential impacts on archaeological resources. The Phase IA and IB investigation was conducted in accordance with the New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (1994), which are endorsed by the NYS Office of Park, Recreation and Historic Preservation (OPRHP). The report was prepared according to OPRHP's *State Historic Preservation Office (SHPO) Archaeological Report Format Requirements* (2005) and complies with the Wyandotte Nation Archaeological Procedures established in September 2013. The Phase 1A determined that the site is sensitive for pre-contact cultural resources, and a Phase 1B was therefore undertaken on those areas within the site that were assessed to have the potential to yield cultural resources. Of the 87 shovel tests completed within the area of potential effect, none yielded pre-contact cultural material. Historic period cultural material was recovered from nine shovel tests; this material is likely the result of mid-nineteenth century disposal practices and the spreading of manure, often commingled with trash, on agricultural fields as routine fertilization. The report concluded that no further archaeological investigation of the Property was warranted. The report was reviewed by the OPRHP which, in correspondence dated December 20, 2018, stated that they have no concerns for archaeological resources regarding the proposed project under SEQRA.

The project site is substantially contiguous to the Wappingers Falls Historic District, which is listed on the State and National Registers of Historic Places. The applicant submitted a Visual Assessment consisting of a Photo Location Map dated May 5, 2023, and 3D photo-simulations dated June 1, 2023, to assess the potential visual impact of the project from four key vantage points, including the Market Street Industrial Park and Mesier Park, both of which are located within the National Register Historic District. The project has been designed to retain significant existing vegetation on the site east of the proposed buildings, which will screen views of the proposed development from these vantage points, and the proposed buildings will be sided in brick in a neutral color which will blend with the natural surroundings. The Visual Assessment determined that the project would be only minimally visible from the Historic District. The Visual Assessment was submitted to OPRHP, which in correspondence dated September 28, 2023, stated that it appears that the proposed development will have minimum visual impacts to the Wappingers Falls Historic District.

Based on the foregoing, the Planning Board has concluded that no significant adverse environmental impacts to historic and cultural resources will occur.

9. **Impacts on Transportation.** The proposed project will result in an increase in traffic. Post-construction, the majority of the traffic will be passenger vehicles only. The applicant submitted a Traffic Impact Study (TIS) prepared by Colliers Engineering & Design dated January 27, 2017, and revised January 26, 2023, to evaluate potential traffic impacts associated with the project. The traffic analysis is based on 2023 Existing Traffic Volumes, which were developed from a variety of sources, including available counts from NYSDOT, from other studies conducted by Colliers Engineering including the South Hill Commons project in the Town of Poughkeepsie, and Colliers' own counts including those from January 2023 and a June 4, 2024 count for the intersection of Delavergne and Nelson Avenues. The compilation of all of the count data were identified and adjusted to account for any higher traffic volumes observed at the various intersections and these were used as the Existing Traffic Volumes in the report. The TIS prepared by the applicant's consultant was reviewed by an independent traffic consultant (AKRF) retained by the Planning Board. AKRF reviewed the 2023 Existing Traffic Volumes and in a memo dated September 27, 2024, indicated they had no further comments.

The TIS concluded that similar Levels of Service (LOS) and delays will be experienced at the area intersections under the future No-Build and Build Conditions. There will be a slight decrease in overall LOS at the Delavergne Avenue and NYS Route 9D intersection from LOS A (delay of 10 seconds or less per vehicle) to LOS B (delay of 10 to 20 seconds per vehicle) resulting from the project; no improvements are recommended at this intersection. The NYS Route 9D and Clinton Street intersection, which does not currently warrant a traffic signal, will decline from a LOS of C (a 20-35 second delay per vehicle) in the morning and D (35-55 second delay per vehicle) in the afternoon to a LOS of D in the morning and E (55-80 second delay per vehicle) in the afternoon; the TIS recommends that this intersection be monitored in the future to determine if signalization would be warranted after completion of the project.

AKRF reviewed the TIS prepared by the applicant's consultant, and in memos dated May 29, 2024, and July 10, 2024, requested additional information from the applicant on a number of technical issues. They also recommended that the traffic analysis study area be expanded to include the intersection of Delavergne Avenue and Nelson Avenue, and that an analysis of traffic conditions on- and off-site during construction be added. Colliers Engineering addressed AKRF's comments in memos dated June 12, 2024, and July 15, 2024, including information relative to evaluation of the additional intersection and construction related traffic, updated capacity analysis and accident data, and additional details regarding the site access and related sight distance improvements as well as other miscellaneous comments. Colliers Engineering also provided a memo entitled "Responses to Public Comments Regarding Traffic" dated July 15, 2024.

The evaluation of the intersection of Delavergne and Nelson Avenues determined that the project traffic will not significantly impact the intersection, which will operate at acceptable Levels of Service under existing and future conditions with the project traffic. With regard to construction traffic, the project proposes to process material on site to minimize truck trips. The earthwork has been balanced to the greatest extent practical and any excess materials will be removed from the site; as discussed previously, it is anticipated that 15 to 25 daily truck trips would be required for an 18-week duration. Any maintenance of the access road and Nelson Avenue, including daily sweeping if needed, will be undertaken by the applicant. A

detailed Construction Management Plan will be developed and implemented as part of site plan approval and will comply with all Village regulations. A bond will be required to provide for the restoration of Nelson Avenue should any damage be caused by the construction of the project.

AKRF reviewed the responses from Colliers Engineering and in a memo dated September 27, 2024, stated that they had no further traffic-related comments.

The following additional recommendations for improvements to serve the existing and/or future traffic volumes have been incorporated in the plans as recommended by the TIS so the project does not have a significant impact on transportation: the existing tree at the southwest corner of the intersection of Clinton Street and NYS Route 9D will be pruned to maintain proper sight distance for vehicles exiting Clinton Street; a stop bar will be striped on the Clinton Street approach at the intersection of Nelson Avenue and Clinton Street to better control traffic at the intersection (this should be completed regardless of the project); existing vegetation on the northwest and southwest corners of the Reed Avenue approach at the intersection of Channingville Road/Main Street and Reed Avenue will be pruned to improve sight distances and overall operation of the intersection; vegetation will be cleared and pruned along Nelson Avenue in the vicinity of the proposed site access to achieve greater sight distance; the access to Nelson Avenue from the site will be “Stop” sign controlled, and “Intersection Ahead” signs will be posted on the Channingville Road and Nelson Avenue approaches to the proposed site access. The traffic study also identified potential improvements at intersections such as NYS Route 9D and Delavergne Avenue (signal timing) and the monitoring of the Clinton Street intersection with NYS Route 9D for signalization. Any traffic signal timing changes at the intersection of NYS Route 9D and Delavergne Avenue would be completed as part of the NYSDOT Highway Work Permit. The applicant will work with the Village Planning Board and NYSDOT as part of the site plan approval to ensure that the most efficient signal timing plan is in place and coordinate other potential improvements including improved vehicle detection for that location. The applicant is amenable to working with the Planning Board on continued monitoring after the project’s opening to further assess this condition. This will be made a condition of site plan approval.

Based on these measures, traffic resulting from the proposed project is not expected to result in any significant impact on traffic operating conditions on the roadways in the vicinity of the site. Moreover, roadway and pavement conditions in the vicinity of the site are not expected to be impacted since the majority of the additional traffic generated by the proposed project will be passenger vehicles. Some traffic disruption may occur during installation of water and sewer infrastructure in and along Channingville Road; however, this impact will cease once construction is completed, and is therefore considered minor due to its temporary nature. Based on the foregoing, the Planning Board concludes that no significant adverse environmental impacts on transportation will occur.

- 10. Impacts on Energy.** The proposed project is anticipated to result in an increase in energy use resulting from the construction of 188 dwelling units and a clubhouse, with a total of more than 100,000 square feet of floor area requiring heating, cooling, and lighting when completed. The project will connect to the existing power located on Nelson Avenue. The energy need for the project is substantial even though it is a residential development. The applicant will propose

either electric and gas, or an electric only option as part of the detailed design of the buildings. The applicant submitted correspondence from Central Hudson dated January 16, 2024, and January 30, 2024, indicating that adequate electrical and natural gas facilities are within the project area and no substantial utility infrastructure improvements are required. The proposed project is a residential development that will be constructed in an already suburbanized area within walking distance of an adjacent commercial center. The proposed buildings will be constructed in accordance with the New York State Energy Conservation Code, which requires the use of energy-efficient products in all new and renovated construction. The proposed action is consistent with the Village's Climate Smart Communities Pledge by: locating new construction where residents can readily bike or walk for local errands to minimize energy use and transportation exhaust; using LED bulbs in site lighting; and planting trees to reduce the heat island effect of parking lots and to shade buildings to keep them cool in summer and reduce energy costs and sequester carbon. These measures will minimize energy use. Construction activities will result in the consumption of gasoline, oil and electricity used in the operation and maintenance of construction equipment; the level of energy consumption during construction is anticipated to be typical of similar developments in Dutchess County. Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on energy.

11. **Impacts on Noise.** There will be a temporary increase in ambient noise levels and vibration associated with construction activities. To mitigate this impact, all construction activities shall be limited to the hours of 8:00 am to 8:00 pm on weekdays and 9:00 am to 8:00 pm on Saturdays, and no construction will occur on Sundays in accordance with Chapter 100 of the Village Code. Construction activities shall be performed in accordance with all applicable state and local requirements. As discussed previously, blasting may be performed in lieu of rock hammering/ripping, and it is anticipated that blasted materials will be processed on site to minimize the import of selected materials and truck trips. A blasting plan, which includes a bedrock processing plan, has been submitted. Rock excavation will be kept to the shortest time practicable, and will follow all local, state and federal blasting protocols (including required monitoring) to minimize impacts to surrounding properties. All construction-related noise and vibration will cease once construction is completed, and the impact is therefore considered minor due to its temporary nature. Based on the foregoing, the Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact from noise.

12. **Impacts on Light.** All proposed outdoor lighting will utilize full cut-off fixtures with an uplight rating of U0 (indicating no uplighting will occur) to protect the night sky and minimize glare and light trespass. Proposed lighting levels will be consistent with the recommendations of the Illuminating Engineering Society of North America to reduce energy use. The applicant submitted a photometric plan (Sheet LP-1 dated 2/1/2023 and last revised 9/13/2023) which demonstrates that there will be no light spillage beyond the property boundary. Evergreen trees are proposed to be planted along the property line when practical to provide a buffer between the project site and neighboring properties; once mature, these trees will block views of the building-mounted lights and pole-mounted lights. The color temperature of all proposed outdoor lighting fixtures shall be a maximum of 2,700 Kelvin to ensure that such lighting is not harsh, and does not impact wildlife or circadian rhythms. Based on the foregoing, the

Planning Board has concluded that the proposed action will not result in a significant adverse environmental impact from outdoor lighting.

13. **Consistency with Community Plans.** Public comment was heard that the Village has too many rental properties already and that this site should be developed for single-family housing. However, the Village's 2023 *Comprehensive Plan* notes that, "Although over 300 new multifamily dwellings have been constructed in the Village in recent years, there is still a need for more multifamily units in the community. The *Brownfield Opportunity Area Nomination Program* included a Market Analysis which concluded that the Village could support 150 to 300 new residential units over the next five to ten years. The Residential Mixed Use area would provide opportunity for much of this new development." The proposed project is located in the Residential Mixed Use (RMU) District on Channingville Road and is consistent with this recommendation. Surrounding land uses consist of an apartment complex located immediately to the north, and hundreds of acres of forested lands and open space associated with the Mount Alvernia, Scenic Hudson, Reese Audubon Sanctuary, and Bowdoin Park properties. The Village's *Comprehensive Plan* recommends preserving significant areas of open space, particularly along the road frontage, on lands in the RMU District that are located on Channingville Road in order to ensure that when property in this area is developed it retains the forested character of surrounding lands when viewed from the road. The *Plan* specifically recommends setting new housing "deep into the property so it can be hidden from view of the road by existing trees." The proposed project is consistent with this recommendation; along Channingville Road, the closest buildings will be located approximately 100 feet from the road, and will be partially screened by a 65-foot to 80-foot-deep buffer where existing vegetation will be retained. During Site Plan review, the applicant will identify the location and species of additional evergreen trees that will be planted between the buildings and the road to further screen views of the development from the road, to the satisfaction of the Planning Board. The remaining buildings will be set deep into the Property and will not be visible from the road. The project site is located within walking distance of the Village Center and the applicant will assist in creating pedestrian connectivity to the Village via a proposed sidewalk and pedestrian connections to the Wappinger Greenway Trail, consistent with the *Comprehensive Plan's* recommendations to improve pedestrian circulation.

As noted, the proposed project is located in the RMU zoning district. Per the Village Zoning Law, "[t]he primary purpose of the Residential Mixed Use District is to provide for a mix of clustered garden-style apartments and limited commercial uses, such as professional offices, for the convenience of neighboring residents." The project proposes apartments and associated greenspace and is fully compliant with the district's area and bulk requirements, including for lot coverage, density, parking, building height and setbacks, greenspace, etc. No variances for these items are required. The project will require area variances for the location of accessory structures and the type of sign. These variances are minor and will not result in development that is significantly different from current surrounding land use patterns.

Based on the foregoing, the Planning Board concludes that the proposed action will not result in a significant adverse environmental impact on community plans.

14. **Consistency with Community Character.** The proposed project is anticipated to create a demand for community services. The applicant submitted a Fiscal Impact Analysis prepared

by Tim Miller Associates, Inc., dated April 29, 2024, to assess fiscal impacts of the project. Based on multipliers provided by Rutgers University, Center for Urban Policy Research *Residential Demographic Multipliers*, the Analysis concluded that the proposed project will result in an increase of approximately 24 school age children. The multipliers used for the estimate were discussed with Assistant Superintendent for Administration of the Wappingers Central School District, Daren Lolkema, and found to be reasonable. The School District cost to be paid by tax revenue to educate an additional 24 public school-age students is estimated to be \$338,568 annually. Currently, the annual school tax paid by the site is \$5,666. By comparison, the annual property tax revenues generated by the proposed project to the School District are projected to total \$870,007, resulting in an annual net benefit to the School District of approximately \$531,439 after covering the cost of the additional students.

The Wappingers Central School District's enrollment for 2023/2024 is approximately 10,420 students, down from 12,504 in 2006/2007. Assistant Superintendent Lolkema indicated the District would be able to accommodate the new students from the proposed project. The addition of approximately 24 public school age students is not anticipated to place a strain on the School District's facilities, particularly since the project is anticipated to result in a net benefit to the District's budget of more than \$500,000 annually.

The proposed project may create an additional demand on fire services and is proposed in an area of the Village with low water pressure and flow. To address this concern, the project will provide an on-site fire protection system, separate from the domestic system, with additional tank storage and booster pumps, which will contain sufficient onsite storage so as not to impact the municipal system. This additional water source will benefit firefighting capabilities in this area. The then Village of Wappingers Falls Fire Chief reviewed the Site Plan and, in correspondence dated October 5, 2023, stated that he had no issues with the proposed project. As part of the site plan approval process, the applicant will work with the current Village of Wappingers Falls Fire Chief to ensure the proposed emergency access is adequate. Any additional demands on community services are anticipated to be offset by the project-generated annual revenues to the Village of Wappingers Falls of approximately \$441,733.

Future residents would utilize retail, personal service, and other commercial uses located in the project vicinity. Businesses within the project vicinity, especially those located within the Village shopping area, would benefit from new resident expenditures. Up to approximately 35 percent of household income is spent on retail goods and services. A household income ranging from \$65,000 to \$99,000 annually would be necessary to afford the proposed rental apartments and townhouses. Using an average household income of \$75,000, it is estimated that 188 households would spend approximately \$5 million annually in consumer goods and services. A substantial portion of these expenditures would be made at supermarkets, local convenience stores, apparel stores, restaurants, and service businesses such as gas stations and hair salons in the area.

The proposed project is a four-story multi-family development that is located adjacent to an existing three-story multi-family development (Oak Tree Garden Apartments) to the north, and is surrounded by wooded areas to the east, south, and west. Single-family residences are located further north and south of the project site on Channingville Road. The project will consist of eight new buildings, including three four-story apartment buildings, three two-story

buildings containing a total of 12 townhomes, a two-story clubhouse, and a single-story water supply building. These buildings may be visible from different locations in the Village.

The applicant submitted a Visual Assessment consisting of a Photo Location Map dated May 5, 2023, and 3D photo-simulations dated June 1, 2023, to assess the potential visual impact of the project from four key vantage points including Channingville Road, the Wappinger Greenway Trail, and two locations in the National Register Historic District—the Market Street Industrial Park and Mesier Park. As discussed previously, the study determined that the proposed project will be minimally visible from these vantage points during leaf-off conditions due to existing and proposed vegetation. During Site Plan review, the location and species of additional evergreen plantings will be identified on the plans to enhance the existing buffer and further screen views of the development, particularly from Channingville Road and the Greenway Trail. With the exception of the water supply building, all of the proposed multi-family and townhome buildings will be sided in brick in a neutral color designed to blend with the neutral tones of the surrounding landscape.

Based on the foregoing, the Planning Board concludes that the proposed project will not have a significant adverse impact on community character.

15. The Planning Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

For Further Information:

Contact Person: Jennifer Bossert, Planning Board Secretary
Address: 2582 South Avenue
Wappingers Falls, NY 12590
Telephone: 845-287-5277

A Copy of this Notice Filed With:

Village of Wappingers Falls Planning Board (Lead Agency)
Kevin Huber, Village Mayor
Village of Wappingers Falls Zoning Board of Appeals
Village of Wappingers Falls Board of Trustees
Village of Wappingers Falls Water Board
Tri-Municipal Sewer Commission
Town of Poughkeepsie
Dutchess County Department of Health
New York State Department of Environmental Conservation
New York State Department of Transportation
New York State Office of Parks, Recreation, and Historic Preservation (Interested Agency)
Alford Equities LLC (applicant)
NYS DEC Environmental Notice Bulletin: enb@dec.ny.gov

MATERIALS REVIEWED

Materials reviewed and considered by the Planning Board include, but are not limited to, the following:

Site Plan entitled “Buckingham Property Management” prepared by Insite Engineering, Surveying and Landscape Architecture, P.C:

- “Overall Plan,” Sheet OP-1, revised September 13, 2023.
- “Existing Conditions Plan,” Sheet EX-1, revised September 13, 2023.
- “Layout & Landscape Plan,” Sheet SP-1, revised September 13, 2023.
- “Grading & Drainage Plan,” Sheet SP-2, revised September 13, 2023.
- “Utilities Plan,” Sheet SP-3, revised September 13, 2023.
- “Erosion & Sediment Control Plan,” Sheet SP-4, revised September 13, 2023.
- “Lighting Plan,” Sheet LP-1, revised September 13, 2023.
- “Entrance Driveway Profile,” Sheet PR-1, revised September 13, 2023.
- “Details,” Sheet D-1, revised September 13, 2023.
- “Details,” Sheet D-2, revised September 13, 2023.
- “Details,” Sheet D-3, revised September 13, 2023.
- “Details,” Sheet D-4, revised September 13, 2023.
- “Details,” Sheet D-5, revised September 13, 2023.
- “Details,” Sheet D-6, revised September 13, 2023.

Architectural Plans and Elevations entitled “Buckingham Properties” prepared by Charles P. May and Associates, P.C.:

- “Cover Sheet,” Sheet CS-1, dated June 13, 2023.
- “Town House Plans & Elevations,” Sheet A-1, dated June 13, 2023.
- “Building A Front Elevation,” Sheet A-2, dated June 13, 2023.
- “Building A Plans,” Sheet A-3, dated June 13, 2023.
- “Building C Plans & Elev,” Sheet A-4, dated June 13, 2023.
- “Clubhouse Plans & Elev,” Sheet A-5, dated June 13, 2023.
- “Clubhouse Elevations,” Sheet A-6, dated June 13, 2023.
- “Apartment Rendering,” Sheet A-7, dated June 13, 2023.
- “Clubhouse Rendering,” Sheet A-8, dated June 13, 2023.

- “Architectural Details,” Sheet AD-1, dated June 13, 2023.

Construction Truck Site Access Route prepared by Insite Engineering, (Sheet CR-1 dated February 13, 2024).

Rock Blasting and Processing plan date January 16, 2024.

Exploratory Soil Testing Figure dated January 16, 2024.

Construction Truck Site Access Route, Figure CR-1 dated February 14, 2024.

Phasing Plan, Sheet kSP-5 dated January 16, 2024.

Preliminary Stormwater Pollution Prevention Plan, prepared by Insite Engineering, dated September 13, 2023.

Preliminary Water Engineering Report prepared by Insite Engineering dated June 14, 2023

Preliminary Wastewater Engineers Report, prepared by Insite Engineering, dated February 1, 2023.

Threatened and Endangered Species Habitat Suitability Assessment Report prepared by Ecological Solutions, LLC dated April 29, 2023.

Ecological Analysis LLC letters dated August 9, 2024 and August 28, 2024,

Email correspondence from NYSDEC dated March 27, 2024 regarding bald eagles and the proposed blasting for the site.

Email correspondence between the applicant and NYSDEC regarding bald eagles dated 3/25/2024, 10/30/2024, 11/1/2024, 11/20/2024, 12/30/2024, and 1/29/2025, including a site location map, the most recent site plan (Sheet SP-2 dated 12/15/2022 and last revised 4/11/2024), and building elevations (Sheet A-1 dated 4/10/2024 and Sheets A-2, A-4 and A-6 dated 6/13/2023).

Correspondence from NYSDEC dated December 4, 2024 regarding state-listed species, including bald eagles and the proposed blasting for the site.

A Visual Assessment consisting of a Photo Location Map dated May 5, 2023, and 3D photo-simulations prepared by CLA SITE (17 Sheets) dated June 1, 2023.

A Phase 1A Literature Search and Sensitivity Assessment and a Phase 1B Archeological Field Reconnaissance Survey prepared by Hudson Valley Cultural Resource Consultants, Ltd. dated October 2018 to assess potential impacts on archaeological resources.

Correspondence from the NYS Office of Parks, Recreation and Historic Preservation dated December 20, 2018.

Correspondence from the NYS Office of Parks, Recreation and Historic Preservation dated September 28, 2023.

Traffic Impact Study (TIS) prepared by Colliers Engineering & Design dated January 27, 2017 and revised January 26, 2023.

AKRF memos dated May 29, 2024, July 10, 2024, and September 27, 2024.

Colliers Engineering memos in response to AKRF reviews dated June 12, 2024 and July 15, 2024.

Colliers Engineering Response to Public Comments Regarding Traffic dated July 15, 2024.

Correspondence from Central Hudson dated January 16, 2024, and January 30, 2024.

Fiscal Impact Analysis prepared by Tim Miller Associates, Inc., dated April 29, 2024.

Correspondence from the Village of Wappingers Falls Fire Chief dated March 1, 2023, and October 5, 2023.

Additional items reviewed by the Planning Board may be found listed in the comment memoranda of the Village's consultants.