

Locusts-on-Hudson
Land Recontouring Project

Environmental Assessment Form Narrative

135 Old Post Road
Tax ID# 6167-01-117843

34 Strawberry Fields Lane
Tax ID# 6167-01-168935

Town of Hyde Park, NY
(collectively, the “Property”)

Waterfront Zoning District

Land recontouring and beautification work within the above referenced parcels, a portion of which was conducted within a town regulated 100’ buffer of North Staatsburg Creek (the “Project”)

SEQRA COMPLIANCE AND INVOLVED AND INTERESTED AGENCIES

The Project’s potential environmental impacts must be reviewed pursuant to the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”).

In this Project, the SEQRA “action” is the ZBA’s decision on the Applicant’s request for a variance from the requirements of §108-4.3(G)(2), which prohibit certain activities within stream corridors. While the Project would appear to be an Unlisted action pursuant to SEQRA if it were not located in proximity to the Mills Norrie State Park and structures listed in the National Register, given the reduced Type I thresholds provided for such resources pursuant to 6 NYCRR Part 617.4(b)(9) and (10), the fact that the Project involves the physical alteration of 2.5 acres or more renders it a Type I action pursuant to 6 NYCRR Part 617.4(b)(6)(i). As a result, a full EAF (“FEAF”) for the Project was requested by the Zoning Board of Appeals (the “ZBA”) and is being provided by the Applicant.

Accordingly, the Applicant has completed Part 1 of the FEAF as required by 6 NYCRR § 617.6(a)(2). Please see **Attachment A**, Full Environmental Assessment Form, Part 1. The Applicant has not identified any other state or local agency which would meet the definition of an “Involved Agency” pursuant to 6 NYCRR § 617.2(t) with respect to the Project. The Applicant is also pursuing a Stormwater Management Permit from the Town and review and recommendation from the New York State Historic Preservation Office (“SHPO”).

EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

The ZBA, as SEQRA lead agency, must consider the criteria for determining the significance of potential environmental impacts from the Project as set forth in the SEQRA regulations at 6 NYCRR § 617.7(c). To do this, the lead agency reviews all relevant information and completes Parts 2 and 3 of the FEAF to provide the basis for its SEQRA determination.

For the Project, the identification of potential impacts and assessment of potential impacts based on FEAF Part 2 is discussed below. Based on the following discussion, the Project will not create any significant adverse environmental impacts and a Negative Declaration is warranted under SEQRA.

1. Impact on Land

The Property consists of agricultural and residential uses. The Project, an effort to clean up the area and restore the land to a previous condition to contain a pond, has addressed a long-neglected area that had become unsightly and poorly drained. The Project will restore and improve the drainage conditions on the Property and create depressed areas for the collection and storage of stormwater runoff to prevent widespread pooling of water throughout the meadow fields and prevent damage to the historic barn structures on the westerly side of the Property. Because the owner was not aware permits were necessary to do the work, the work has largely been completed.

A Stormwater Pollution Prevention Plan (the "SWPPP") for the Project has previously been submitted to the Town Zoning Enforcement Officer and is incorporated here by reference. The SWPPP was originally submitted on December 16, 2019 and was revised as of July 24th, 2020 in response to comments received from the Town's engineering firm. The SWPPP was prepared pursuant to the Environmental Protection Agency's and New York State Department of Environmental Conservation's ("DEC") Phase II Storm Water Regulations.

Erosion control measures have been and will be implemented to minimize the erosion of land. The erosion and sediment controls consist of temporary and permanent stabilization measures and the implementation of Best Management Practices. Please see the SWPPP, Section 4.0 for further details on these measures.

There are no State regulated wetlands impacted by the Project. The Project includes a .04 acre disturbance to a Federal wetland. The disturbance consists of the placement of river stone to serve as rip rap to mitigate the potential for erosion. A pre-construction notification was prepared in accordance with the United States Army Corps of Engineers (USACE) Nationwide Permit general conditions and was provided to USACE on April 28, 2020. USACE responded after 45 days had passed, indicating that the work could proceed as proposed.

Based on the foregoing, the Project is not anticipated to have any significant adverse impacts on land.

2. Impact of Geological Features

There are no unique landforms on the Property that will be impacted by the Project. The DEC's EAF Mapper indicated there are no unique geologic features on the Property. Accordingly, the Project is not anticipated to have any significant adverse impact on geological features.

3. Impact on Surface Water

As indicated above, a SWPPP was developed that includes erosion and sediment controls. Please see the discussion above in Item 1.

Based on the foregoing, the Project will not create any significant adverse impacts to surface water resources.

4. Impact on Groundwater

The Project will not have any significant adverse impacts on groundwater. The Project does not include use of groundwater or the generation of waste. The Project will not create additional impervious surfaces, beyond the surface of the pond itself, which is offset by the detention created by the pond.

Based on the foregoing, the Project will not create any significant adverse impacts to groundwater.

5. Impact on Flooding

The Project will not have any significant adverse impacts on flooding. As indicated by DEC's EAF Mapper, the Property is not within a designated floodway, the 100 or 500 year floodplain. Moreover, the Project itself is intended to restore and improve the drainage conditions on the Property and to create depressed areas for the collection and storage of stormwater runoff to prevent widespread pooling of water.

Based on the foregoing, the Project will not create any significant adverse impacts to flooding.

6. Impacts on Air

The Project will not result in any significant adverse impacts on air quality. The Project does not include a State regulated air emission source or involve any activity that will have more than a de minimis impact on air quality.

Based on the foregoing, the Project will not create any significant adverse impacts to air quality.

7. Impact on Plants and Animals

The Project will not have any significant adverse impact on plants or animals. A Threatened and Endangered Species Habitat Suitability Assessment Report was prepared by Ecological Solutions, LLC and is included here as **Attachment B**. The Habitat Suitability Assessment was completed for several listed species including the Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), bald eagle (*Haliaeetus leucocephalus*), Blandings turtle (*Emys blandingii*), short-nose sturgeon (*Acipenser brevirostrum*), Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), and yellow breasted chat (*Icteria virens*).

With respect to the bat species, the assessment concluded the Project will not impact any trees or wooded areas and that no measures are required to avoid potential adverse effects.

With respect to bald eagles, the assessment indicated there is an assumed nest location west of the railroad (the project is east of the railroad). The assumed nest location was buffered from Project activities and is not visible from the activities that occurred. No Project activity was within 660 feet of the nest. The assessment further concluded that the Project did not generate more than ambient noise levels on the site and no impacts to the nest or nesting activities were detected.

With respect to the sturgeon, the assessment concluded that while localized increase in suspended sediment may cause fish to temporarily avoid the area where bottom disturbing activities are occurring, the affected area would be expected to be small. The assessment acknowledged that fish generally avoid unsuitable conditions such as increases in suspended sediment and noise and that similar nearby suitable habitats would be available for use by fish to avoid the area being disturbed. Moreover, the assessment indicated that best management practices have been implemented to prevent the loss of construction

materials and debris into the river via the North Staatsburg Creek and that an upland SWPPP has been implemented.

With respect to the Blandings turtle, the assessment observed that there is no core habitat on/or immediately adjacent to the Project and concluded that there are no impacts to this species since there is no potential habitat on the site or in the vicinity of the site.

Likewise, with respect to the yellow breasted chat, the assessment concluded there is no potential habitat for this species in the 8.2 acre work area. Moreover, because the Project includes landscaping and beautification, there is not anticipated to be a loss of habitat if this species should be migrating through the Property.

Based on the forgoing, the Project will not have any significant adverse impacts on plants or animals.

8. Impact on Agricultural Resources

As noted above, the Property currently has an agricultural use component. The Project will not impede the use of the Property for agricultural purposes.

Based on the foregoing, no significant adverse impacts to agricultural resources are anticipated from the Project.

9. Impact on Aesthetic Resources

Because the Project is an effort to recontour and beautify the Property, it is not anticipated to have a negative impact on aesthetic resources. Indeed, the effort will improve the aesthetics of the area.

Based on the foregoing, the Project will not result in any significant adverse impacts to aesthetic resources.

10. Impact on Historic and Archeological Resources

A Phase 1A Literature Search and Sensitivity Assessment and Phase 1B Archaeological Field Reconnaissance Survey have been undertaken by Hudson Valley Cultural Resource Consultants, Ltd. (Hudson Valley). Please see the report included at **Attachment C**. The field survey identified the presence of a small Precontact site, in which a soil pile related to the Project is located. The Applicant's intent is to carefully remove the soil pile, avoiding impacts to the original grade. Hudson Valley's recommendation, provided to SHPO, is to develop an avoidance protocol that protects the precontact site. Hudson Valley has proposed that an Avoidance and Protection Plan will include the following:

- The boundary of this location will be demarcated in the field, with either construction fencing or similar boundary (stakes with signage, etc.), so that no inadvertent disturbances occur within the boundary during landscaping and construction operations.
- No activities of any kind will occur within site boundary.
- The location of the site will remain undisturbed and allowed to revegetate naturally. No plantings or other landscaping activities will take place within the boundary.
- To the extent feasible, that a protective buffer of 25'-50' be established around the perimeter of the Locusts Precontact Site.

Hudson Valley's report concluded that an Avoidance and Protection plan containing these elements will result in a project that will not have an adverse impact to the identified archaeological resources. Hudson Valley has submitted its report and conclusions to SHPO for review and recommendation. Hudson Valley's report also concludes that it is not anticipated that the Project will have an impact on the characteristics that make nearby buildings, and the larger districts, eligible for Listing in the National Register of Historic Places and that the Project is not anticipated to impact the architectural, historical or aesthetic characteristics of the nearby structures listed in the National Register.

Based on the foregoing, the Project will not create any significant adverse impacts to cultural resources.

11. Impact on Open Space and Recreation

The Project will not result in any loss of recreational opportunities or any reduction of an open space resource designated in a governmental open space plan. The Property is privately owned and is not used for public recreation.

Based on the foregoing, the Project will not have any significant adverse impact on open space and recreational resources.

12. Impact on Critical Environmental Areas

The Project will not have any impacts on any critical environmental areas (CEAs) designated by NYSDEC because the Property does not contain any CEAs. Nor are any CEAs located adjacent to the Property.

13. Impact on Transportation

The nature of the Project is not one that will result in any increased use of the property or generation of any increased traffic.

For the foregoing reasons, the Project will not have any significant adverse impacts on traffic or transportation.

14. Impact on Energy

The Project will not require the use of energy following its completion. The only increased energy usage is the de minimis use associated with construction activities. Accordingly, no significant adverse impact on energy will occur.

15. Impact on Noise, Odor and Light

No significant adverse noise or odor impacts are expected from the Project. During construction, any noise and odor impacts from construction equipment have been and will be temporary, of short duration and non-significant. After construction, during Project operations, no noise or odor impacts are anticipated. No exterior lighting is proposed.

Thus, the Project will not cause any significant adverse impacts involving noise, odor or light.

16. Impact on Human Health

Given the nature of the Project, no significant impacts to human health are anticipated.

17. Consistency with Community Plans

The land recontouring and beautification work will be in harmony with the surrounding land uses and the prevailing aesthetic character of the area. Subject to receipt of area variance relief as requested from the ZBA and an Erosion and Sediment Control Permit from the Town, the Project is consistent with the Zoning Law of the Town of Hyde Park.

For the foregoing reasons, the Project will not have a significant adverse impact on community plans.

18. Consistency with Community Character

As indicated above, the land recontouring and beautification work will be in harmony with the surrounding land uses and the prevailing aesthetic character of the area.

Accordingly, the Project will not have a significant adverse impact on the community character of the Town.

Conclusion

Based on the foregoing, the Project will not create any significant adverse environmental impacts and a negative declaration is warranted pursuant to SEQRA.