

RESOLUTION NO. 2014273

RE: ADOPTION OF FULL ENVIRONMENTAL ASSESSMENT FORM AND NEGATIVE DECLARATION OF SIGNIFICANCE FOR A PROPOSED PROJECT, HARLEM VALLEY RAIL TRAIL PHASE 4 IN THE VILLAGE OF MILLERTON AND TOWN OF NORTH EAST, DUTCHESS COUNTY AND TOWN OF ANCRAM, COLUMBIA COUNTY (PIN 8758.74)

Legislators MICCIO, PULVER, KELSEY, SURMAN, and SAGLIANO offer the following and move its adoption:

WHEREAS, Dutchess County is considering a proposed project: (PIN 8758.74), Harlem Valley Rail Trail Phase 4, and

WHEREAS, the proposed project consists of developing a shared use path along approximately eight (8) miles of an abandoned railroad corridor known as the Harlem Valley Rail Line, which project is located in the Village of Millerton and Town of North East, Dutchess County and the Town of Ancram, Columbia County, and

WHEREAS, this Legislature has reviewed the Full Environmental Assessment Form (EAF) for the involved action, a copy of which is annexed hereto, prepared by the Department of Public Works, and agrees with its conclusion that the involved project will not have significant adverse impacts on the environment, based on the criteria provided in 6 NYCRR 617.7(a)-(c), and

WHEREAS, the Legislature has reviewed the attached Notice of Determination of Non-Significance prepared by the Department of Public Works and agrees with the reasons supporting this determination provide in this notice now, therefore, be it

RESOLVED, that Dutchess County hereby approves and adopts the attached Full Environmental Assessment Form and Notice of Determination of Non-Significance for the project, (PIN 8758.74) – Harlem Valley Rail Trail Phase 4, in the Village of Millerton and Town of North East, Dutchess County and the Town of Ancram, Columbia County in accordance with 6 NYCRR 617.7(a)-(c).

CA-184-14

CAB/ca/R-0480-C

9/17/14

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of October 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 14th day of October 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS *(To be completed by requesting department)*

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds *(check one)*: Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

This Fiscal Impact Statement is related to Adoption of a SEQRA Negative Declaration reflecting the finding of non-significance for construction of the Federally Funded project identified as PIN 8758.74 Harlem Valley Rail Trail Phase 4, Village of Millerton and Town of Northeast, Dutchess County and Town of Ancram, Columbia County.

Prepared by: Jefferson H. Akins, P.E., Assistant Civil Engineer II

FULL ENVIRONMENTAL ASSESSMENT FORM

PURPOSE: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance. The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

FULL EAF COMPONENTS: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Part 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identified whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, than Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1, 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore, a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore, a **CONDITIONED** negative declaration will be prepared.*.
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore, a positive declaration will be prepared.

*A Conditioned Negative Declaration is only valid for Unlisted actions.

Harlem Valley Rail Trail, Phase 4

NAME OF ACTION

Dutchess County Department of Public Works

NAME OF LEAD AGENCY

Robert H. Balkind

PRINT OR TYPE NAME OF RESPONSIBLE OFFICER IN LEAD AGENCY

SIGNATURE OF RESPONSIBLE OFFICER IN LEAD AGENCY

Deputy Commissioner

TITLE OF RESPONSIBLE OFFICER

SIGNATURE OF PREPARED (IF DIFFERENT FROM RESPONSIBLE OFFICER)

9/17/14

Date

PART 1 - PROJECT INFORMATION
PREPARED BY PROJECT SPONSOR

Notice: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION: Harlem Valley Rail Trail, Phase 4			
LOCATION OF ACTION: Village of Millerton / Town of North East, Dutchess County; Town of Ancram, Columbia County (include street address, municipality and County)			
NAME OF APPLICANT/SPONSOR: Robert H. Balkind		845-486-2901	
Dutchess County DPW		BUSINESS TELEPHONE	
626 Dutchess Turnpike	Poughkeepsie	NY	12603
STREET ADDRESS	CITY/PO	STATE	ZIP
NAME OF OWNER (IF DIFFERENT): New York State		518-457-5100	
50 Wolf Road		BUSINESS TELEPHONE	
	Albany	NY	12232
STREET ADDRESS	CITY/PO	STATE	ZIP
DESCRIPTION OF ACTION: This project proposes to develop a shared-use path in the Village of Millerton and Town of North East, Dutchess County, and Town of Ancram, Columbia County. The trail, which is considered Phase 4 of the greater Harlem Valley Rail Trail (HVRT), would span approximately 13.2 km (8 miles). The trail would originate at Main Street in the Village of Millerton (Route 44) and terminate at Under Mountain Road in the Town of Ancram.			
The project would include placement of a 3.0 m (10 feet) wide shared use path within former railroad right-of-way currently owned by New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP). A clear area would extend 0.6 m (2 feet) beyond each trail edge where space is available. The shared use path would be paved with asphalt and run in a north - south direction.			

Please complete each question - Indicate N.A. if not applicable.

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential(suburban) Rural (non-farm)
 Forest Agriculture Other Abandoned railroad - Currently State Owned

2. Total acreage of project area: 67 acres.

<u>APPROXIMATE ACREAGE</u>	<u>PRESENTLY</u>	<u>AFTER COMPLETION</u>
Meadow or Brushland (Non-agricultural)	<u>20.5</u> acres	<u>15.6</u> acres
Forested	<u>20</u> acres	<u>15.6</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	<u>1</u> acres	<u>1</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>18</u> acres	<u>17.5</u> acres
Water Surface Area	<u>4</u> acres	<u>4</u> acres
Unvegetated (Rock, earth or fill)	<u>3</u> acres	<u>3</u> acres
Roads, buildings and other paved surfaces	<u>0.5</u> acres	<u>10.3</u> acres
Other (Indicate type)	<u>0</u> acres	<u>0</u> acres

3. What is predominant soil type(s) on project site? _____
- a. Soil drainage:
- well drained 20% of site
 - Moderately well drained 10% of site
 - Poorly drained 70% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ Acres (See 1 NYCRR 370):.

- 4. Are there bedrock outcroppings on project site? Yes No.
 - a. What is depth to bedrock? 6 (in feet):
- 5. Approximate percentage of proposed project site with slopes?
 - 0-10% 95 % 10-15% 5 % 15% or greater _____ %.
- 6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No
- 7. Is project substantially contiguous to, to a site listed on the Register of National Natural Landmarks?
 - Yes No
- 8. What is the depth of the water table: _____ (in feet)
- 9. Is the site located over a primary, principal, or sole source aquifer? Yes No.
- 10. Do hunting, fishing or shall fishing opportunities presently exist in the project area? Yes No.
- 11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 - Yes No. According to: NYSDEC & US Fish & Wildlife.
 - Identify each species: (see attached)
- 12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)? Yes No.
 - Describe:
- 13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 - Yes No.
 - If yes, explain:
- 14. Does the present site include scenic views known to be important to the community? Yes No.
- 15. Streams within or contiguous to project area? Nortse Creek, Nortse Creek Tibutaries (5 & 6), Webatuck Creek, Webatuck Creek Tributaries (26, 23, 8, 18, 19, 20, 21, & 22), Sawmill Brook.
- 16. Lakes, ponds, wetland areas within or contiguous to project area?

Name: State & Federally Regulated Wetlands	Size (in acres) <u>18</u>
Name:	Size (in acres) _____
Name:	Size (in acres) _____
- 17. Is the site served by existing public utilities? Yes No.
 - a. If yes, does sufficient capacity exist to allow connection: Yes No.
 - b. If yes, will improvements be necessary to allow connection: Yes No.
- 18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No.
- 19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 6177 . Yes No.
- 20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No.

B. PROJECT DESCRIPTION

- 1. Physical dimensions and scale of project (fill in dimensions as appropriate).
 - a. Total contiguous acreage owned or controlled by project sponsor _____ acres.
 - b. Project acreage to be developed: _____ acres initially; _____ acres ultimately.
 - c. Project acreage to remain undeveloped _____ acres.
 - d. Length of project, in miles: 8 (if appropriate).
 - e. If the project is an expansion, indicate percent of expansion proposed N/A %
 - f. Number of off-street parking spaces existing 0; proposed 50.

- g. Maximum vehicular trips generated per hour 10 (upon completion of project).
- h. If residential, number and type of housing units:

	One family	Two family	Multiple family	Condominium
Initially	N/A			
Ultimately				

- i. Dimensions (in feet) of largest proposed structure N/A height; _____ width; _____ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ Ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 Tons/cubic yards.
3. Will disturbed areas be reclaimed: Yes No N/A
 - a. If yes, for what intended purpose is the site being reclaimed? open space
 - b. Will topsoil be stockpiled for reclamation? Yes No
 - c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 9.3 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? Yes No
6. If single phase project: Anticipated period of construction _____ months, (including demolition).
7. If multi-phased:
 - a. Total number of phases anticipated 2 (number).
 - b. Anticipated date of commencement phase 1 8 month 2010 year, (including demolition).
 - c. Approximate completion date of final phase 3 month 2012 year.
 - d. Is phase 1 functionally dependent on subsequent phases? Yes No
8. Will blasting occur during construction? Yes No
9. Number of jobs generated: during construction? 25; after project is complete? 0
10. Number of job eliminated by this project? 0
11. Will project require relocation of any projects or facilities: Yes No
If yes, explain _____
12. Is surface liquid waste disposal involved? Yes No
 - a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
 - b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Yes No Type: _____
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
Explain: _____
15. Is project, or any portion of project, located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
 - a. If yes, what is the amount per month? _____ Tons.
 - b. If yes, will an existing solid waste facility be used: Yes No
 - c. If yes, give name _____; location _____
 - d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No
 - e. If yes, explain: _____
17. Will the project involve the disposal of solid waste: Yes No.
 - a. If yes, what is the anticipated rate of disposal: _____ tons/month.
 - b. If yes, what is the anticipated site life: _____ years.
18. Will project use herbicides or pesticides? Yes No.
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
If yes, indicate type(s) _____

- 22. If water supply is from wells, indicate pumping capacity N/A gallons/minute
- 23. Total anticipated water usage per day N/A gallons/day.
- 24. Does project involve Local, State or Federal funding? Yes No
If yes, explain Local: Dutchess, Columbia Counties, & OPRHP (20 % of project total); Federal (80%).
- 25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town, Village Plng. Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town, Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Columbia County DPW; Dutchess County DPW - SEQRA, Funding	
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Environmental Permits NYSDOT - Highway Work Permit	
Federal Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FHWA - NEPA Determination, Funding USF&W- T&E Species Concurrence USACOE - Wetland Review	

C. ZONING and PLANNING INFORMATION

- 1. Does proposed action involve a planning or zoning decision? Yes No
If yes, indicate decision required:

<input type="checkbox"/> zoning amendment	<input type="checkbox"/> zoning variance	<input type="checkbox"/> special use permit	<input type="checkbox"/> subdivision	<input type="checkbox"/> site plan
<input type="checkbox"/> new/revision of master plan	<input type="checkbox"/> resource management plan	<input type="checkbox"/> Other:		
- 2. What is the zoning classification(s) of the site? _____
- 3. What is the maximum potential development of the site if developed as permitted by the present zoning?

- 4. What is the proposed zoning of the site? No change in zoning proposed.
- 5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N/A
- 6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
- 7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?
Agricultural and Residential
- 8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? Yes No
- 9. If the proposed action is the subdivision of land, how many lots are proposed? N/A
a. What is the minimum lot size proposed? _____
- 10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
- 11. Will the proposed action create a demand for any community provided serviced (recreation, education, police, fire protection)? Yes No
a. If yes, is existing capacity sufficient to handle projected demand? Yes No

- 12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 - a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. INFORMATIONAL DETAILS

Attach any additional information as may be needed to clarify your project. If there are, or may be, any adverse impacts associated with your proposal, please discuss such impacts and measures which you propose to mitigate or avoid them.

E. VERIFICATION

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name: Dutchess County DPW Date: 9-16-14
 Signature: [Handwritten Signature] Title: Commissioner

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

**PART 2 – PROJECT IMPACTS AND THEIR MAGNITUDE
RESPONSIBILITY OF LEAD AGENCY**

GENERAL INFORMATION (Read Carefully)

- In completing the form, the reviewer should be guided by the question: *Have my responses and determinations been reasonable?* The reviewer is not expected to be an expert environmental analyst.
- The examples provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects .

INSTRUCTIONS (Read Carefully)

a. Answer each of the 20 questions in PART 2. Answer *Yes* if there will be *any* impact.

b. Maybe answers should be considered as *Yes* answers.

c. If answering *Yes* to a question, check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur, but threshold is lower than example, check column 1.

d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.

e. If reviewer has doubt about size of the impact, then consider the impact as potentially large and proceed to PART 3.

f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the *Yes* box in column 3. A *No* response indicates that such a reduction is not possible. This must be explained in Part 3.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
IMPACT ON LAND			
1. Will the proposed action result in a physical change to the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction of paved parking area for 1,000 or more vehicles.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction of land where the depth to the water table is less than 3 feet.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction that will continue for more than 1 year or involve more than one phase or stage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
■ Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
3. Will proposed action affect any water body designated as protected? (Under articles 15, 24, 25 of the Environmental Conservation Law, ECL) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Examples that would apply to column 2:			
■ Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction in a designated freshwater or tidal wetland.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Will proposed action affect any non-protected existing or new body of water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Will Proposed Action affect surface surface, or groundwater quality or quantity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ Proposed action will require a discharge permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action requires use of a source of water that does not have approval to serve proposed (project) action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction or operation causing contamination of a water supply system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will adversely affect groundwater.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Liquid affluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action would use water in excess of 20,000 gallons per day.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action would likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will allow residential uses in areas without water and/or sewer services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Will proposed action alter drainage flow or patterns, or surface water runoff? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ Proposed action would change flood water flows.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action may cause substantial erosion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action is incompatible with existing drainage patterns.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will allow development in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON AIR			
7. Will proposed action affect air quality? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ Proposed action will induce 1,000 or more vehicle trips in any given hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will result in the incineration of more than 1 ton of refuse per hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will allow an increase in the amount of land committed to industrial use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will allow an increase in the density of industrial development within existing industrial areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
IMPACT ON PLANTS AND ANIMALS			
8. Proposed action affect any threatened or endangered species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ Reduction of one or more species listed on the New York or Federal list, using the site, over or near site, or found on the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Will Proposed action substantially affect non-threatened or non-endangered species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ Proposed action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON AGRICULTURAL LAND RESOURCES			
10. Will the Proposed action affect agricultural land resources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ Proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:			
IMPACT ON AESTHETIC RESOURCES			
11. Will proposed action affect aesthetic resources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.) Examples that would apply to column 2:			
■ Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed land uses or project components visible to users of aesthetic resources which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed components that will result in the elimination, or significant screening, of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES			
12. Will proposed action impact any site or structure of historic, pre-historic or paleontological importance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ Proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or national Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
IMPACT ON OPEN SPACE AND RECREATION			
13. Will proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2:			
■ The permanent foreclosure of a future recreational opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ A major reduction of an open space important to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON CRITICAL ENVIRONMENTAL AREAS			
14. Will proposed action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. List the environmental characteristics that caused the designation of the CEA.:			
Examples that would apply to column 2:			
■ Proposed action to locate within the CEA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will result in a reduction in the quantity of the resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will result in a reduction in the quality of the resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will impact the use, function or enjoyment of the resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON TRANSPORTATION			
15. Will there be an affect to existing transportation systems? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. Examples that would apply to column 2:			
■ Alteration of present patterns of movement of people and/or goods.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will result in major traffic problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON ENERGY			
16. Will proposed action affect the community's sources of fuel or energy supply? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. Examples that would apply to column 2:			
■ Proposed action will cause a greater than 5% increase in the use of any form of energy in the municipality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
NOISE AND ODOR IMPACTS			
17. Will there be objectionable odors, noise, or vibrations as a result of the Proposed Action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. Examples that would apply to column 2:			
■ Blasting within 1,500 feet of a hospital, school or other sensitive facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Odors will occur routinely (more than one hour per day).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will remove natural barriers that would act as a noise screen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON PUBLIC HEALTH			
18. Will Proposed action affect public health and safety? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. Examples that would apply to column 2:			
■ Proposed action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD			
19. Will Proposed action affect the character of the existing community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No. Examples that would apply to column 2:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The Proposed action will conflict with officially adopted plans or goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The Proposed action will cause a change in the density of land use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ The Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Development will create a demand for additional community services (e.g., schools, police, fire, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Proposed action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
■ Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3.			

**PART 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS
RESPONSIBILITY OF LEAD AGENCY**

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions:

Discuss the following for each impact identified in column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact

(Continue on attachments)

Project: _____
 Date: _____

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

As defined by the preceding Part 2, the Harlem Valley Rail Trail Phase 4 has not identified any potentially moderate to large impacts therefore no significant adverse impacts are anticipated for the project.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
County of Dutchess as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: HARLEM VALLEY RAIL TRAIL PHASE 4

Name of Lead Agency: COUNTY OF DUTCHESS

Name of Responsible Officer in Lead Agency: Noel H.S. Knille

Title of Responsible Officer: Commissioner of Dutchess County Department of Public Works

Signature of Responsible Officer in Lead Agency:

Date: 9-16-14

Signature of Preparer (if different from Responsible Officer)

Date: 9/17/2014

For Further Information:

Contact Person: Robert H. Balkind, Deputy Commissioner of Dutchess County Department of Public Works

Address: 626 Dutchess Turnpike, Poughkeepsie, New York 12603

Telephone Number: (845) 486-2925

E-mail: rbalkind@dutchessny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925
Fax: (845) 486-2940

Dutchess County
DPW ENGINEERING

Memo

TO: Noel H.S. Knille, AIA, ASLA, Commissioner of Public Works

FROM: Robert H. Balkind, P.E., Deputy Commissioner of Public Works (10)

DATE: September 17, 2014

RE: RESOLUTION REQUEST -- ADOPTION OF NEGATIVE
DECLARATION
PIN 8758.74 – HARLEM VALLEY RAIL TRAIL PHASE 4
VILLAGE OF MILLERTON AND TOWN OF NORTH EAST,
DUTCHESS COUNTY AND TOWN OF ANCRAM, COLUMBIA
COUNTY

The attached Resolution Request and Fiscal Impact Statement are submitted for the referenced project. The County has circulated for SEQRA Lead Agency status to involved and interested. After completing environmental reviews and studies, the Department of Public Works, in conjunction with its consultant team, has concluded that the project will have no significant adverse impact on the environment. The Harlem Valley Rail Trail – Phase IV project will develop a shared use path along approximately 8 miles of an abandoned railroad corridor known as the Harlem Valley Rail Line.

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