

RESOLUTION NO. 2015089

RE: DECLARING DUTCHESS COUNTY AS LEAD AGENCY FOR COUNTY FUNDED PROJECT IDENTIFIED AS CRUM ELBOW ROAD (CR 41) DRAINAGE AND SAFETY IMPROVEMENTS, TOWN OF HYDE PARK

Legislators MICCIO, BOLNER, BORCHERT, SAGLIANO, FARLEY, and IGNAFFO offer the following and move its adoption:

WHEREAS, Dutchess County is considering the project identified as Crum Elbow Road (CR 41) Drainage and Safety Improvements located in the Town of Hyde Park, and

WHEREAS, the project consists of designing and providing drainage and safety improvements for a portion of Crum Elbow Road (CR 41) between Cardinal Road and Horn's Park Road, in the Town of Hyde Park, and

WHEREAS, the Dutchess County Department of Public Works has identified the proposed action as an Unlisted Action pursuant to SEQRA (6 NYCRR 617) and has circulated Parts 1 and 2 of an EAF to other involved and interested agencies declaring its intent to declare itself lead agency for a coordinated review of the proposed action, and

WHEREAS, no other involved or interested agency has expressed an interest in being lead agency for the proposed action, now, therefore, be it

RESOLVED, that Dutchess County hereby declares itself to be Lead Agency for the coordinated review of the above referenced project pursuant to SEQRA (6 NYCRR 617.6).

CA-075-15
CAB/kvh/R-0939
3/11/15
Fiscal Impact: See attached statement

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

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 13th day of April 2015, 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 13th day of April 2015.

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 the Resolution Request for Declaration of the County of Dutchess as Lead Agency under SEQRA for the County funded project identified as CR 41 (Crum Elbow Road) Drainage and Safety Improvements, Town of Hyde Park, Dutchess County, which is categorized as an Unlisted Coordinated Action.

Prepared by: Robert H. Balkind, P.E., Deputy Commissioner of Public Works

DUTCHESS COUNTY DEPARTMENT OF PUBLIC WORKS
NOTICE OF INTENT TO DECLARE LEAD AGENCY

Proposed Action: **CR-41 DRAINAGE AND SAFETY IMPROVEMENT PROJECT**
TOWN OF HYDE PARK, DUTCHESS COUNTY, NY

**NOTICE TO INVOLVED AGENCIES THAT LEAD AGENCY MUST BE
DESIGNATED WITHIN THIRTY (30) DAYS OF JANUARY 7, 2015**

This Notice is issued pursuant to Part 617.6 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law to designate a lead agency.

The Dutchess County Department of Public Works (DCDPW) located in Poughkeepsie, New York, is currently designing drainage and safety improvements for a portion of County Route 41 (Crum Elbow Road) in the Town of Hyde Park.

LEAD AGENCY DESIGNATION

Under the applicable standards of SEQR 6 NYCRR Part 617.6(b), the DCDPW concludes that it should be designated as the lead agency in the coordinated environmental review of the proposed unlisted action. This notification is being sent to involved agencies with the request that you consent to our agency serving as lead agency. If, however, you do not agree, you may follow the procedures outlined in 6 NYCRR 617.6(b)(5).

This Notice is being mailed on January 7, 2015. We would ask that each involved agency fill out the annexed form either consenting or not consenting that our agency serve as lead agency and return it in the self-addressed envelope on or before February 6, 2015. Responses should be sent to the within named contact person, who may be contacted for further information.

**IF YOU DO NOT RESPOND WITHIN THIRTY (30) DAYS, IT WILL BE
INTREPRETED AS CONSENT THAT THE DCDPW SERVE AS LEAD AGENCY.
YOU WILL CONTINUE TO BE NOTIFIED OF SEQR DETERMINATIONS AND ANY
LATER PROCEEDINGS AND HEARINGS, AS PROVIDED BY LAW.**

LEAD AGENCY NOTICE
DATA SHEET

Name of Action/Project: CR 41 Drainage and Safety Improvement Project, Town Of Hyde Park, Dutchess County, NY

Name of Applicant: Dutchess County Department of Public Works

Name of Agency Sending this Notice: Dutchess County Department of Public Works

SEQR Status: _____ Type I Action
_____ Type II Action
 X Unlisted Action

Description of Action: Drainage and safety improvements for portion of County Route 41, between Cardinal Road and Horn's Park Road, in the Town of Hyde Park.

Location of Action:

Town/Municipality: Town of Hyde Park

County: Dutchess

Street Address:

Tax Map No.(s): CR 41 Highway Corridor

Size of parcel(s):

For further information:

CONTACT PERSON

Mr. Robert H. Balkind, P.E., Deputy Commissioner
Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: 845-486-2925, Fax: 845-486-2940

Thank you for your cooperation.

DATED: January 7, 2015

ATTACHMENTS TO THIS NOTICE:

- [x] Full Environmental Assessment Form (EAF) Part 1 & 2
- [x] Preliminary Engineering Plans
- [x] Location map (as shown on plan)
- [x] Design Report
- [x] Return Envelope

A copy of this Notice is being sent to the following INVOLVED AND INTERESTED AGENCIES:

Involved Agencies:

Jonathan Stercho, Regional Permit Administrator
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561-1620

William Gorton, PE, Acting Regional Director
NYSDOT Region 8
Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603

U.S. Army Corps of Engineers-New York District
Attn: Regulatory Branch-Room 1937
26 Federal Plaza
New York, NY 10278-0090

Mr. David A. Stillwell
United States Department of Interior
Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13054

Interested Agencies:

Aileen Rohr, Town Supervisor
Town of Hyde Park
4383 Albany Post Rd.
Hyde Park NY 12538

STATE OF NEW YORK

COUNTY OF DUTCHESS

Proposed Lead Agency: Dutchess County Department of Public Works

Name of Proposed Action/Project: CR 41 Drainage and Safety Improvements Project, Town of Hyde Park

RESPONSE TO REQUEST THAT THE ABOVE NAMED AGENCY SERVE AS LEAD AGENCY REGARDING THE ABOVE ACTION

On behalf of _____, I, _____, acknowledge receipt of the Lead Agency Notice in this matter.

The above-named involved agency hereby:

[PLEASE CHECK ONE]

CONSENTS that the proposed agency serve as lead agency in this application, and requests that the undersigned continue to be notified of SEQR determinations, proceedings and hearings in this matter.

DOES NOT CONSENT that the proposed agency serving as lead agency in this application, and wishes that _____ serve as lead agency. To contest lead agency designation, the undersigned intends to follow the procedures outlined in 6 NYCRR 617.6(b)(5).

TAKES NO POSITION on Lead Agency designation.

DATED: _____, New York

Agency Name

By: _____
[signature]

[print signer's name]

Please return to:

Mr. Robert H. Balkind, P.E., Deputy Commissioner
Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: CR41 (Crum Elbow Road) Drainage and Safety Improvements			
Project Location (describe, and attach a location map): Crum Elbow Road from 200 feet west of Cardinal Road to 200 feet east of Horns Park Road, Location Map Attached.			
Brief Description of Proposed Action: Construct new cross culvert carrying Marlike Kill under Crum Elbow Road. Includes alteration of vertical profile to pass 25 year storm without overtopping roadway. Construct three additional cross culvert as relief pipes. Construct ancillary improvements including guiderail, new signage and updated pavement striping.			
Name of Applicant or Sponsor: Dutchess County Department of Public Works		Telephone: (845)486-2926	
		E-Mail: jakhs@co.dutchess.ny.us	
Address: 626 Dutchess Turnpike			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NYSDEC			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		4.3 acres	
b. Total acreage to be physically disturbed?		2.6 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.3 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HP-23 <0.1 acres			
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ Stormwater will continue to flow to Marjle Kill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRINT FORM