

ENVIRONMENT

RESOLUTION NO. 2016080

RE: ADOPTION OF NEGATIVE DECLARATION WITH RESPECT  
TO RECERTIFICATION OF AGRICULTURAL DISTRICT  
NOS. 20, 21, 22, AND 23 ENCOMPASSING THE LANDS  
WITHIN THE COUNTY OF DUTCHESS

Legislators FORMAN, BORCHERT, MICCIO, BOLNER, WASHBURN, PULVER,  
FLESLAND, ROMAN, THOMES, SAGLIANO, LANDISI, and HORTON offer the following  
and move its adoption:

WHEREAS, this Legislature is considering the recertification of Agricultural District  
Nos. 20, 21, 22 and 23, in accordance with Agricultural and Markets Law Section 303-a and the  
recommendations of the Dutchess County Agricultural and Farmland Protection Board, and

WHEREAS, approval of such recertification constitutes an action subject to the State  
Environmental Review Act, and

WHEREAS, the Dutchess County Legislature has attached a Short Environmental  
Assessment Form, which concludes that the program constitutes: (1) an Unlisted Action  
pursuant to Article VIII of the New York State Environmental Quality Review Act and part 617  
of the NYCRR (SEQRA); and (2) will not have a significant effect on the environment, and

WHEREAS, the purpose of this Legislature in adopting this Resolution is to adopt and  
confirm those findings, and

WHEREAS, a true copy of the Short Environmental Assessment Form and the Negative  
Declaration reflecting the finding of non-significance are attached hereto and made a part hereof,  
now, therefore, be it

RESOLVED, that the Dutchess County Legislature hereby adopts the Short  
Environmental Assessment Form and Negative Declaration regarding the recertification of  
Agricultural District Nos. 20, 21, 22, and 23 as recommended, and confirms it will not have a  
significant effect on the environment.

CA-057-16  
G-0179/G-1063-B  
3/15/16  
Fiscal Impact: Attached

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 11<sup>th</sup> day of April 2016, 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 11<sup>th</sup> day of April 2016.

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 \$ 0

Total Current Year Revenue \$ 0  
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:

Adoption of the re-certified Agricultural Districts #20, 21, 22 and 23 and submission thereof to the New York State Department of Agriculture and Markets results in no commitment of funds by the County.

Prepared by: Eoin Wrafter

Prepared On: 2-26-2016

## 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.

<b>Part 1 - Project and Sponsor Information</b>			
Dutchess County Legislature			
Name of Action or Project: Agricultural District re-certification			
Project Location (describe, and attach a location map): county-wide, for precise locations see attached parcel list			
Brief Description of Proposed Action: Re-certification of Agricultural Districts with minor modifications as recommended by the Dutchess County Agricultural and Farmland Protection Board.			
Name of Applicant or Sponsor: Dutchess County Legislature		Telephone: 845-486-2100	
		E-Mail: countylegislature@dutchessny.gov	
Address: 22 Market Street			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
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 checked="" 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:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		+/- 196,787 acres	
b. Total acreage to be physically disturbed?		n/a acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input checked="" 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 checked="" type="checkbox"/>	<input 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: <u>See attached list from NYS Department of Environmental Conservation</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	N/A
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 type="checkbox"/>	N/A
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input type="checkbox"/>	N/A
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input type="checkbox"/>	N/A
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" 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"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	
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 checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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"/>	
16. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/> YES	<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: <input type="checkbox"/> NO <input type="checkbox"/> YES			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p>NO  <input checked="" type="checkbox"/></p>	<p>YES  <input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          Numerous landfills, most of them inoperative, are located upon or adjoining proposed Agricultural District properties.          _____          _____</p>	<p>NO  <input type="checkbox"/></p>	<p>YES  <input checked="" type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p>NO  <input checked="" type="checkbox"/></p>	<p>YES  <input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Dutchess County Legislature</u> Date: _____          Signature: _____</p>		



Department of  
Environmental  
Conservation

## Critical Environmental Areas in Dutchess County

### Critical Environmental Areas of Dutchess County

Designating Agency:	Critical Environmental Area	Recorded Date	Effective Date	Reason for Designation
County of Dutchess	Hyde Park Landfill Site (PDF, 767 KB) (Inactive Portion)	3-5-84	4-4-84	inactive landfill, toxic pollutants present
	Town of North East Landfill (PDF, 541 KB) (Inactive Portion)	3-5-84	4-4-84	inactive landfill, toxic pollutants present
	Schatz Federal Bearing (PDF, 681 KB) Closed Landfill Site	6-19-85	7-18-85	inactive landfill, toxic pollutants present
	Dutchess Airport Landfill Site (PDF, 883 KB)	6-19-85	7-18-85	inactive landfill, toxic pollutants present
	Jones Sanitation Sludge Disposable (PDF, 522 KB) Site (Inactive Portion)	6-19-85	7-18-85	inactive disposal area, toxic pollutants present
	Page Industrial Park (PDF, 793 KB)	6-19-85	7-18-85	inactive dump, toxic pollutants present
	F.I.C.A. Landfill Site (PDF) (676 KB) (formerly Dutchess Sanitation Inactive Portion)	6-19-85	7-18-85	inactive landfill, toxic pollutants present
	Sarney Site (PDF, 596 KB)	6-19-85	7-18-85	inactive landfill, toxic pollutants present
	Dutchess Co. Airport Bolefill (PDF) (170 KB)	6-19-85	7-18-85	inactive landfill, toxic pollutants present
	MICA Products (PDF, 900 KB) (inactive) landfill	8-6-85	9-5-85	inactive landfill, toxic pollutants present
	Great Swamp (PDF) (Towns of Dover, Pawling, & Vil of Pawling) (705 KB)	1-10-92	2-8-92	benefit to human health
Clinton, Town of	Hamlet of Frost Mills (PDF) (801 KB)	6-26-87	7-27-87	exceptional or unique character
	Hamlet of Pleasant Plains (PDF) (725 KB)	10-27-87	11-27-87	exceptional or unique character
	Hamlet of Clinton Corners (PDF) (810 KB)	10-27-87	11-27-87	exceptional or unique character
	Hamlet of Old Bulls Head (PDF) (665 KB)	10-27-87	11-27-87	exceptional or unique character
	Hamlet of Clinton Hollow (PDF) (700 KB)	10-27-87	11-27-87	exceptional or unique character
	Hamlet of Schultzville (PDF) (668 KB)	10-27-87	11-27-87	exceptional or unique character
			10-27-87	11-27-87

	Hamlet of Hibernia (PDF) (890 KB)			
Dover, Town of	Deuel Hollow Area (PDF) (841 KB)	5-22-86	6-20-86	protect water source & natural area
Fishkill, Town of	Aquifer Protection Areas (PDF) (626 KB)	6-8-92	7-8-92	protect public water supply
Pawling, Town of	Little Whaley Lake and Watershed (PDF) (649 KB)	8-2-85	9-1-85	unpolluted drinking water source
	Quaker Lake / Deuel Hollow Area (PDF) (683 KB)	12-10-85	1-8-86	unpolluted drinking water source
Pine Plains, Town of	Hurd's Corner (PDF) (1.07 MB)	7-29-88	8-27-88	significant historical features
	Stissing Mountain (PDF) (1.00 MB)	1-3-05	2-2-05	exceptional or unique character
Stanford, Town of	Buttercup Farm Sanctuary (PDF) (491 KB)	3-9-87	4-8-87	preserve farmland, wetland & mountain habitat
	Ryder Pond and Cagney Marsh (PDF) (536 KB)	3-9-87	4-8-87	protection of waterfowl
	Bontecou Lake (PDF) (532 KB)	3-9-87	4-8-87	protect migratory & nesting birds
	Millbrook Meadow and Associated Wetlands (PDF)(724 KB)	3-9-87	4-8-87	protect wetland
	Snake Hill (PDF) (128 KB)	3-9-87	4-8-87	protect rare plants and animal communities
Stanford, Town of	Upper Wappinger (PDF) (868 KB)	9-17-1992	10-16-1992	protect hydrology and water quality, biological and geological uniqueness, and scenic views
Wappinger Falls, Village of	Wappinger Lake (PDF) (241 KB)	5-29-98	6-29-98	protection of natural resource
Hyde Park, Town of	Hogback Hill (PDF) (449 KB) Indian Kill (PDF) (855 KB) Maritje Kill (PDF) (737 KB) Vanderburgh Cove (PDF) (825 KB)	5-8-09	6-7-09	sensitivity to change & habitat and species protection

Attachment to SEAF Part I

For the Recertification of Agricultural Districts #20, 21, 22 and 23 located in Dutchess County

The proposed action involves the recertification of Agricultural District #20, 21, 22 and 23 located in Dutchess County, by the Dutchess County Legislature as required by New York State Agriculture and Markets Law.

The proposed recertification would result in 196,787 acres farmland being included in newly certified Agricultural Districts. This action would create no physical changes to the involved properties and thus impacts none of the resources identified in the Part I of the subject SEAF. Because of the nature of this action, many of the questions included in SEAF are not applicable to this SEQR review.

Project: 2015-2016 Agricultural Districts review

Date: February 26, 2016

*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"/>

Project: 2015-2016 Agricultural  
 Date: 3/11/2016

*Short Environmental Assessment Form  
 Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Recertification of existing agricultural districts with minor modification recommended by the Dutchess County Agricultural and Farmland Protection Board is consistent with local comprehensive policies and objectives. It will not result in any zoning changes. This proposed action will help maintain a viable agricultural industry within certified Dutchess County Agricultural Districts and will help reduce the conversion of farmland resources.

The proposed recertification would result in 196,787 acres farmland being included in newly certified Agricultural Districts. This action would create no physical changes to the involved properties and thus impacts none of the resources identified in Part 1 of the subject SEAF.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Dutchess County Legislature	
Name of Lead Agency	Date
Dale L. Borcher	Chairman of the Dutchess County Legislature
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated  
Agriculture and Markets Law (Refs & Annos)  
Chapter 69. Of the Consolidated Laws  
Article 25-AA. Agricultural Districts (Refs & Annos)

McKinney's Agriculture and Markets Law § 303-a

§ 303-a. Agricultural districts; review

Effective: June 15, 2010  
Currentness

1. The county legislative body shall review any district created under this section eight, twelve or twenty years after the date of its creation, consistent with the review period set forth in the plan creating such district and at the end of every eight, twelve or twenty year period thereafter, whichever may apply. In counties with multiple districts with review dates in any twelve month period, the commissioner, on petition of the county legislative body, may, for good cause shown, approve an extension of up to four years for a district review. Thereafter, the extended review date shall be deemed the creation date for purposes of subsequent reviews by the county legislative body in accordance with this section. The review date of a district may not be extended more than four years. The petition of the county legislative body for an extension shall be submitted to the commissioner at least six months prior to the review date.

2. In conducting a district review the county legislative body shall:

a. provide notice of such district review by publishing a notice in a newspaper having general circulation within the district and by posting such notice in at least five conspicuous places within the district. The notice shall identify the municipalities in which the district is found and the district's total area; indicate that a map of the district will be on file and open to public inspection in the office of the county clerk and such other places as the legislative body deems appropriate; and notify municipalities and land owners within the district that they may propose a modification of the district by filing such proposal with the county clerk of the county legislature within thirty days after the publication of such notice;

b. direct the county agricultural and farmland protection board to prepare a report concerning the following:

(1) the nature and status of farming and farm resources within such district, including the total number of acres of land and the total number of acres of land in farm operations in the district;

(2) the extent to which the district has achieved its original objectives;

(3) the extent to which county and local comprehensive plans, policies and objectives are consistent with and support the district;

(4) the degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in such district and their influence on farming; and

(5) recommendations to continue, terminate or modify such district.

c. hold a public hearing at least one hundred twenty days prior to the district review date and not more than one hundred eighty days prior to such date, in the following manner:

(1) the hearing shall be held at a place within the district or otherwise readily accessible to the proposed district;

(2) a notice of public hearing shall be published in a newspaper having a general circulation within the district and shall be given in writing to those municipalities whose territories encompass the district and any proposed modifications to the district; to persons, as listed on the most recent assessment roll, whose land is the subject of a proposed modification; and to the commissioner;

(3) the notice of hearing shall contain the following information:

(a) a statement of the time, date and place of the public hearing; and

(b) a description of the district, any proposed modifications and any recommendations of the county agricultural and farmland protection board.

3. The county legislative body, after receiving the report and recommendation of the county agricultural and farmland protection board, and after public hearing, shall make a finding whether the district should be continued, terminated or modified. If the county legislative body finds that the district should be terminated, it may do so at the end of such eight, twelve or twenty year period, whichever may be applicable, by filing a notice of termination with the county clerk and the commissioner. If the county legislative body finds that the district should be continued or modified, it shall submit a district review plan to the commissioner. The district review plan shall include a description of the district, including a map delineating the exterior boundaries of the district which shall conform to tax parcel boundaries; the tax map identification numbers for every parcel in the district; a copy of the report of the county agricultural and farmland protection board required by paragraph b of subdivision two of this section; and a copy of the testimony given at the public hearing required by subdivision two of this section or a copy of the minutes of such hearing.

4. If the county legislative body does not act, or if a modification of a district is rejected by the county legislative body, the district shall continue as originally constituted, unless the commissioner, after consultation with the advisory council on agriculture, terminates such district, by filing a notice thereof with the county clerk, because:

a. the area in the district is no longer predominantly viable agricultural land; or

b. the commissioner of environmental conservation has determined that the continuation of the district would not be consistent with state environmental plans, policies and objectives; provided, however, that if the commissioner certifies to the county

legislative body that he or she will not approve the continuance of the district unless modified, the commissioner shall grant the county an extension as provided in subdivision one of this section to allow the county to prepare a modification of the district in the manner provided in this section.

5. Plan review, certification, correction of any errors and filing shall be conducted in the same manner prescribed for district creation in subdivisions five, six and seven of section three hundred three of this article.

**Credits**

(Added L.1997, c. 357, § 6, eff. Nov. 3, 1997. Amended L.1999, c. 290, § 1, eff. July 20, 1999; L.2007, c. 213, §§ 2 to 5, eff. July 3, 2007; L.2010, c. 120, § 3, eff. June 15, 2010.)

McKinney's Agriculture and Markets Law § 303-a, NY AGRI & MKTS § 303-a  
Current through L.2016, chapters 1 to 19.

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End of Document

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